

ONTARIO TOWNSHIP

MC EVOY.



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W. J. ASHLEY, Editor.

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THE ONTARIO TOWNSHIP

BY J. M. McEVOY,
University College, Toronto,

WITH AN
INTRODUCTION

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INTRODUCTION.

Nothing is more striking in the intellectual history of our own time, nothing more full of hope, than the growing interest excited by Political Science. It matters but little whether it is called by that name, or divided into its various elements, History, Economics, Administration, Public Finance, and the like. In Germany, in France, above all in the United States, an amount and a kind of attention altogether new are now being given to the problems of political society. Two ideas underlie the movement. The first is that the State, with all its constituent parts and all its activity, can be studied in the same spirit as the biologist brings to the observation of the animal organism, or the mathematician to the manipulation of numbers, *i. e.*, with absolute impartiality, with a complete suppression of all other motive than the ascertainment of truth. The second is that knowledge thus acquired by scientific observation and analysis will be of practical use.

It were too early to pronounce judgment on the work which scholars influenced by these ideas have as yet been able to perform. A tree is known by its fruits, but it must be given time to grow before the fruits are looked for. If they have done no more than impress anew on many men just entering what is called practical life, the homely duty of trying to see facts as they really are, without bias of personal or party interest, they have done much. I believe it will be found in the sequel that they have done far more than this. Meanwhile a word of explanation is called for by this present publication, and may remove some misconceptions. As in the special department of Political Economy, so in the wider subject, Political Science, which includes it, it is a mistake to suppose that there is in existence a body of simple principles, which can be found in the books of certain great masters, and need only to be applied to real life. Economists and philosophers and historians and lawyers in the past have indeed given us many valuable reflexions and wide-reaching generalizations, which may very fittingly be made the basis of the academic study of Political Science. Yet these reflexions and generalizations do but furnish us with a beginning, a starting point, for further development. This development must, for some time to come, take the direction of the discovery by the methods of history, of statistics and observation, of the main facts of the political and economic world around us. The most

pressing duty, in truth, of the student of Political Science is, for the present, the wise collection of material. Fortunately this task requires no very high intellectual powers; it needs chiefly industry and honesty. This is often not understood; and enquiries of the kind I have indicated are often spoken of with too much praise on the one side, or with too great depreciation on the other. The former mistake is perhaps most likely to be found among those who have themselves been engaged in this sort of "original research." There is indeed plenty of opportunity in it for a man to shew a high degree of ability; but still what is really needed is chiefly intelligent drudgery. Before we can begin to hazard large speculations on any particular subject, the whole field must first have been surveyed in this unambitious fashion. The one great fault of so much of the theorizing of the present century is that it has been too hasty, too scantily fortified by knowledge. On the other hand, I have heard it said, "What is the use of a man's giving two or three months to working through the charters of this or that particular city, reading mayors' messages and treasurers' statements, and interviewing dozens of citizens, in order only to produce a "monograph," which no one will ever pay any attention to except a handful of similar enthusiasts?" But if Political Science is to mean anything more than a literary amusement, it must deal with the actual everyday affairs of the world, sordid and distasteful as those affairs may often be. That "monograph" by itself might be of little use; but let us get twenty such works on twenty such cities, and we may be able to advance a step further. Comparison will probably bring out common features; eliminating special disturbing forces we may be able to arrive at the common source of certain evils; and the variations may enable us to see what is the more hopeful direction in which to look for reform. Surely no one will deny that if we can obtain results such as these, the labor of the special investigations will not have been thrown away. Even with so little as has been done already, let any one read the chapters on Local Government in Mr. Bryce's *American Commonwealth*, and he will see how impossible it would have been to write them without the preliminary study of the field by the group of writers associated with the Johns Hopkins University.

It is time, I think, that enquiries of this kind were entered upon for Canada and Ontario. Upon all the subjects of vital importance for the future of our Dominion,—our system of local government, the condition of our cities, our industrial and commercial policy, the condition of our agriculture,—on these and every other, our first need is for more knowledge.

In working with my class at Canadian Constitutional History, I became aware that one of my pupils, Mr. J. M. McEvoy, possessed a more than usual knowledge of the practical working of the township system; and that the occupation of township officers by his father and grandfather during a long period of years had given him, as it were, an hereditary interest in the subject. I suggested that it might be useful if he would attempt to sketch the history and working of the township system in the district he knew best, as a contribution to the early constitutional history of Ontario; as a help to the solution of the difficulties yet remaining in local government; and as an indication to those outside Canada, interested in popular self-government, of a system of administration in some of its features altogether unique. Mr. McEvoy spent his vacation in perusing the early documents of the old London district, in consulting venerable seniors who could tell him of the state of things fifty or sixty years ago, and in the study of the statute book; and the result is now laid before the reader.

Mr. McEvoy, with a wise limitation of his field, begins with the Act of 1793 empowering the inhabitants of townships to elect certain officers. Of late years a considerable literature has grown up concerning the New England township, of which the Ontarian township is indirectly the descendant. It has been traced back to the primitive German self-governing "mark-community," which is supposed to have suffered the degradation of subjection to manorial lords, but in the freer air of the New World to have reappeared again in all its old democratic liberty. Unfortunately the very existence of the free mark-community has recently been disputed, and with much shew of reason. It is safer to say that the early colonists of New England took with them the local institutions with which they were familiar at home; but that a more democratic spirit was infused into them by the circumstances of their new life, and by the character of their religion. *

Whatever its origin, the town-meeting of New England played a most important part in the education of the people in self-government. There all the qualified male inhabitants met together, and discussed and decided a wide range of matters of local concern. Why was this system not introduced in its entirety into Canada? It is frequently supposed that the reason was that the British Government, taught by the experience of the revolted colonies, feared the town-meeting as a school of independence. It is true that town meetings were sup-

* The best brief comparison of the local institutions of England in the seventeenth century with those of the American colonies, will be found in Dr. Channing's *Essay on Town and County Government in the English Colonies of North America* in Johns Hopkins University Studies, 2nd Series. As to the "reproduction of primitive Teutonic life" see an admirable though one-sided article in the *New York Nation* for October 3, 1889: "The Puritans invented little or nothing; they were neither wiser nor more notional than their kindred in England; and above all, they intended to live by English laws and customs as closely as possible."

pressed in Nova Scotia in 1770, the very year that Boston town-meeting under the guidance of Samuel Adams was leading all the other "towns" of Massachusetts in opposition to the government of King George. This may, accordingly, have been one of the reasons why the local government established in Upper Canada took the shape it did. But there is another and still more important reason, that has hitherto been overlooked. It is that it was not the example of New England that was directly before the eyes of the first settlers in Upper Canada, but the example of the neighboring state of New York. It was from thence that most of the U. E. Loyalists came.* Indeed, an old settler writing in 1816 expressly describes the system of government established in 1791 and the years immediately following, as "a constitution similar to that they [the old settlers] had lost during the rebellion in the Province of New York." †

Now the township has never occupied the same position in New York and the middle states of the Union as in the more northern states. It was not there the original basis of local government; the county was that; but it had been introduced by New England influence: so that the middle states presented a compromise between the township system of the north and the county system of the south. ‡ The legislative powers of the town-meeting, for instance, seem to have been very limited, and practically its chief work was the election of township officers. § From 1703, indeed, there was a county-board composed of the Supervisors (the chief officers of the townships, like the Ontarian Reeves,) which had the power of levying taxes, and I shall return to this very shortly; but the justices, nominated by the Governor, still possessed considerable power of control. Mr. McEvoy tells us of the friction occasioned in Ontario by the justices' authority over the repair of roads; but they had somewhat the same power in New York; thus "in several counties a single justice of the peace might, whenever he thought fit, order the overseers to repair any road within his district." ||

This last example suggests a further remark. Even the authority of the justices in Quarter Sessions in Ontario is probably to be explained at least as much by American tradition as by imitation of England. ¶ Thus in Massachusetts itself, where the town-meeting was strongest, the justices in General or

* This is clear on glancing over the accounts of the most notable settlers in Dr. Canniff's *Settlement of Upper Canada*, Chaps. 9-11. The three townships first surveyed, for instance, were entirely occupied by men from New York; *Ibid* chap. 49.

† *Ibid* 159.

‡ See this idea clearly worked out by Bryce, *American Commonwealth*, chap. 48.

§ Howard, *Local Constitutional History of the U. S.* i. 111; cf. 107.

|| *Ibid* 392-3.

¶ Dr. Bourinot seems to ascribe it entirely to the latter cause; *Local Government in Canada*, 37, in Johns Hopkins Studies, 5th Series.

Quarter Sessions continued to levy a county rate to the end of the colonial period, * and even to exercise the right of disallowing town by-laws. †

The position of the township and town-meeting in Ontario is still further illustrated by the analogy presented to us in the history of the American Northwest [now forming the states of Michigan, Ohio, Illinois, Indiana and Wisconsin]. In both cases the township was at first a mere territorial division for the purpose of surveying the land, and partitioning it among settlers; in Upper Canada this work began in 1781, and was carried on more vigorously from 1783 by a Surveyor-General who had actually been doing precisely similar work in the colonies north of Virginia. ‡ In the American Northwest the work was set on foot by the Ordinance of 1785. But while in Upper Canada this merely geographical division became the unit for local administration, with its meeting for the election of officers, as early as 1793, the Northwest Territory waited till 1802 for an institution of precisely the same limited powers. § And in the Northwest at first, as in Upper Canada, a wide administrative authority was exercised by the justices in Quarter Sessions. ||

Of the more recent period treated by Mr. McEvoy, it is not necessary here to say much. The system established in 1849 seems to be similar in all essentials to the so-called "compromise" plan or "township-county system" of New York and some of the Northwestern states, with its county board composed of township supervisors. How far the one was consciously borrowed from the other, or how far both were the independent outcome of the same needs, would require some little research to determine. The name *Reeve* for the presiding officer of the township council is peculiar, as far as I know, to Canada, and was possibly the result of the revived interest in early English institutions that marked the period. It may be noticed that Kemble's *Saxons in England*, with its chapter on the *Gerefa*, had appeared in the preceding year. The most important difference between the Ontarian and the American "compromise" system seems to lie in the circumstance that in Ontario all the powers of the town-meeting, except the election of certain officers, have been transferred by law to the township council. But this contrast is diminished by two facts in the practical working of the two systems; first that in several of the American states the legislative activity of the town-meeting is in reality but small, owing to the withdrawal, as in Ontario, of incorporated villages from the township; ¶ and secondly the very

* Howard, 340-1.

† *Ibid* 334.

‡ Canniff, chap. 15.

§ Howard, 144.

|| *Ibid*, 423-4. They soon lost, however, in the Northwest the power of levying taxes.

¶ Howard, 166; Bemis *Local Government in Michigan and the Northwest*, 15, in Johns Hopkins University Studies, 1st Series.

remarkable survival of the town-meeting in Ontario, in spite of statutes, and its real influence over the actions of the council. Mr. McEvoy's essay is particularly useful in calling our attention to this striking instance of the strength of custom.

In issuing the first essay of what, it is hoped, may be a series, the editor has only this to remark in conclusion. He cannot hope that all the statements in every essay will be faultlessly accurate, and that bias of some sort or other will not occasionally show itself. But it will at any rate be the desire and effort of the editor, and those who will work with him, to see facts in the dry light of impartiality, and to use language untinged by passion. And should any reader notice a palpable blunder, he will be doing a kindness if he will communicate with the editor.

W. J. ASHLEY.

THE ONTARIO TOWNSHIP.

Section 1.—Introduction.

It is customary to say that Ontario is divided into counties, and that these counties are sub-divided into townships. It would be nearer the truth to say that Ontario is divided into townships, and that these townships are grouped into counties. The province was early divided into four large districts, in each of which there were already a certain number of settlers with improved lands marked off into townships. As new lands were required for settlers, additional pieces of land were "laid out" into townships. In this "laying out" or surveying of new lands for a township, there was no intention of dividing a district into so many equal parts; all that was aimed at was to lay out the land in such a manner as to secure a township of ordinary size, lying adjacent to those already surveyed. These townships, as then "bounded" by the surveyors, have ever since remained the same, though, for purposes of government, they have been grouped in several ways, of which the present arrangement in counties is but one. The first grouping, that of 1788, was into the Western, Home, Midland and Eastern Districts; with the growth of population, however, it was found necessary to make a readjustment in 1798; and the old townships, with such new ones as had more recently been settled, were arranged in eight districts, a much reduced territory being included in each of the four districts known by the old names, to which were now added the districts of Johnstown, Newcastle, Niagara, and London. To these were added at a later date Gore, Bathurst and Ottawa. It was during the time of this latter grouping of townships that the townships of which I shall more particularly speak, were settled. During this period the "county," though in name it existed, (Simcoe having divided the province into nineteen counties), was not a reality to the ordinary inhabitant; nor did it become so until after the district administration had been replaced by county corporations.

The average township contains about 50,000 acres. How wide, however, the differences of area are, may be illustrated by the county of Middlesex, where the largest township contains 88,958 acres of which the "equalized assessment valuation" is \$5,469,382, and the smallest township 23,468 acres of which the equalized assessment valuation is \$950,220. Townships are usually roughly quadrilateral in shape, but are by no means always squares or parallelograms. The condition of the land at the time the township was surveyed, and the chronological order (in reference to surrounding townships) in which it was surveyed, determine its shape. Owing to irregularities in shape, arising from these and other causes, the length and breadth of townships varies from six to fifteen miles. It is amusing to read the rules issued by the early Provincial Land Surveyors to their deputies in regard to the surveying of townships; an attempt was made at regularity, even precision, by the government, while the work was really being carried on in a rough and ready fashion in accordance with the wishes of the people and the exigencies of the times. On the arrival of Governor Simcoe in Upper Canada he at once applied to Lord Dorchester for information concerning the allotment of Crown Lands. He was supplied with the names of five deputy land surveyors, who had been occupied in laying out lands for settlement. The way in which land was actually being taken up by settlers at this time, was as follows: The settler applied to the "Land Board," (composed generally of three commissioners appointed by the government in each district), and got leave to settle in a certain locality. The surveyor, upon the presentation of a certificate from the Land Board, stating that the bearer had the right to become a settler, "located" two hundred acres, which was the extent allotted to an ordinary settler and which were to

become his property after he had performed "settlement duties." These duties consisted in the building of a house and the cultivation of a small portion of the land ; at a later date each settler was obliged to "chop off" the road in front of his "lot."

I will quote here the rules issued from the Surveyor General's office in 1788, and subsequently from time to time down to 1804, directing how townships *should* be surveyed, after which I will describe as nearly as I can how they actually *were* surveyed.

"Inland townships shall be ten miles square, and such as have a front upon a navigable river or water shall have a front of nine miles and a depth of twelve."

"The town-plot in every township shall be one mile square. In an inland township it shall be situated in the centre thereof ; and in a township upon a navigable river or water it shall be in the centre of the front bordering upon the water."

"Every town-lot shall contain one acre more or less."

"Every town-park shall contain twenty acres more or less."

"There shall be a public square or parade in the centre of the same, (*i. e.*, the town park) containing four acres more or less."

"There shall be four more public squares or parades of the like extent at equal and convenient distance from the centre."

"A square of four acres, more or less, shall be reserved on each side of the centre square for places of divine worship, one parsonage house, one school house, a court or town house, a prison and poor or work-house."

"A square of four acres, more or less, shall be reserved at each of the four corners of the town-plot for a common burying ground, hospital, etc."

"Four squares of four acres each, more or less, shall be reserved for market places at the four extremities of the town, in a line with and at equal distance from the corners."

"The eight principal streets leading from the centre square shall be ninety-six feet wide. All the squares shall be open at the angles or corners."

"An area of half a mile, more or less, in depth surrounding the town shall be reserved for works of defence, if necessary, or such other disposition as shall be thought proper at a future period."

"The town-parks shall adjoin and surround the area just mentioned, and shall be two hundred and eighty-eight in number in an inland township, and two hundred and eighteen in every township situated upon a navigable river or water."

"One town-park shall be reserved for a minister and one for a school-master, adjoining each other."

"The remainder of the township shall be laid out in farm lots, the number of which in every inland township is to be two hundred and fifty, and in every township situated upon a navigable river or water, three hundred."

"Two farm lots shall be reserved for a minister and one for a school-master, situated behind the town-parks to be reserved for them respectively, and in that division of the farm lots that is nearest to the town."

"In each of the four corners of every inland township, eight farm-lots adjoining each other, shall be reserved in the hands of the Crown."

"In each of the four corners of every township situated upon a navigable river or water, ten farm-lots shall be reserved in the hands of the Crown."*

The power of "laying out" a new township, or of making alterations in townships already existing, has always resided exclusively in the Provincial Government. The townships of which I shall more particularly speak, those in the County of Middlesex, were surveyed under the authority conferred upon the Governor in Council by the

"Constitutional Act" of 1791. The "surveying" included the fixing of "metes and bounds" for each township, its division into "concessions" and "lots", and the registering of a plan of the same with the Surveyor-General for the province. Each "concession" consisted of a strip of land, from three-quarters of a mile to a mile in breadth, stretching directly across the township and, therefore, varying from six to fifteen miles in length. The whole township was thus divided into parallel strips, separated from one another by the "concession roads," which were "laid out" by the surveyor, with a width of four rods, along the whole length of each concession. The concession was then divided into oblong lots, usually containing two hundred acres each. At a later date additional roads were surveyed across the township at right angles to the concessions. They were laid out at intervals of from one and a half to three miles, were parallel to each other, and were in every respect similar to concession roads, only that, instead of being numbered consecutively, they assumed the number of the lot at which they crossed the township. Townships are separated from each other by "town-lines," which are roads of the ordinary width running around all four sides of the township. The oversight of these town-lines is sometimes left in the hands of the county council, and sometimes the townships on either side by equal contributions build and keep them in repair. A reference to the accompanying map of the Township of Westminster will illustrate more clearly the situation and relation of what is represented by the various terms used.

The actual laying out of the earlier townships was not done with even this much regularity. A writer of 1822 gives the following description:—

"The townships were laid out into concessions and lots in this manner. A front line was first adjusted to the shore, so as to leave as little as possible of head land between it and the water, and of back water between it and the land. A second line was then drawn parallel with the first and at the distance of a hundred chains, or a mile and a quarter besides the allowance for road. The intervening range of land was called the front or first concession. In the same manner a second was laid out and then a third, fourth, etc. In the front and between the concessions a strip of land was allowed for a road. The allowance for the front road was generally 60 and for the other concession roads 40 feet. Each concession was divided into lots of 200 acres, by parallel lines at right angles with the concession lines and 20 chains or a quarter of a mile distant from each other. At intervals of two or three miles a strip of 40 feet was left between lots for cross roads."*

The concessions were not all laid out at one time, but as fast as they were needed for settlement; and the township was "closed out" when it was thought to be large enough. At the time of Simcoe's arrival (1792) there were but five surveyors in the Province of Upper Canada; and during the great influx of United Empire Loyalists it was impossible for five men to survey rapidly enough to provide lands for all the new comers before they settled. Many of them fixed the locality of their future homes themselves, and its exact limits were later placed by the surveyor. From this it is seen that no attention whatever was paid to the artificial and ideal rules laid down by the Surveyor-General. The reservations for the Crown and clergymen were, however, pretty strictly watched, so that much of this reserved land was scattered throughout the settled townships. This was at a later period a great source of complaint, on the ground that these lands contributed nothing towards the improvement of the country which was yearly making them more valuable. As time went on there was an increase in the staff of surveyors and three or four were appointed in each district. These men were in constant correspondence with the government, and whenever they saw from the influx of immigrants or the increase of population that the surveying of a new township would be profitable they would acquaint the Lands Department with the fact and secure the right to survey it, receiving as remuneration for their labor a percentage of the acres surveyed or a money payment. In some places large tracts of the best land were taken up by them, and their families still enjoy the fruits of their foresight. It would seem that at first professional men only were employed, but later, intelligent men without special training applied themselves to the work and became tolerably proficient in it. In

some parts of the district, however, immense tracts of land were put into the hands of single individuals who made profitable disposal of it to settlers, laying it out in townships as they saw fit; Colonel Talbot receiving, for example, 131,130 acres in the London district, and 171,200 acres in the Western, in lieu of a pension.

Each township occupies precisely the same land now as it did when first laid out in concessions and lots by these surveyors, but it is vastly different in wealth and population, yet not more different in these than it is in its power as a municipal corporation.

Some idea of the growth of wealth which has gone side by side with the development of township institutions may be obtained from the following table of the amounts paid in taxation by the Township of Westminster during the period 1826-1888. All direct taxes previous to 1850 were paid to the district treasurer, and accordingly the figures for that period are taken from the treasurer's books. After 1850 they were paid to the township officials, and the figures are taken from the collectors' rolls.

				£	s.	d.
Under town meeting and quarter ses- sions system.	{	In 1826 Westminster Township paid tax			2	19 1½
		" 1831	"	"	96	13 11
		" 1836	"	"	142	7 6
		" 1841	"	"	166	7 6
Under district coun- cil system.	{	" 1843	"	"	143	11 0
		" 1846	"	"	422	6 8*
		" 1849	"	"	549	15 7
Under the present municipal system.	{	" 1853	"	"	1,054	0 8
		" 1857	"	"	3,377	9 3
		" 1866	"	"	\$16,917	11
		" 1876	"	"	\$19,025	00
		" 1886	"	"	\$28,293	70
		" 1888	"	"	\$32,436	00

These figures do not show an increased extravagance on the part of local authorities with every change towards self-government. What they do indicate is: first, the increased wealth of the township; secondly, the growth of municipal institutions necessary to meet a widened conception of the needs which local government should satisfy. The increase was most marked when the government of the township was taken out of the hands of the nominated justices in quarter sessions and transferred to an elected council, and it has increased ever since. The wealth of a township and the expense of local government may perhaps be compared with the fixed and circulating capital of a business. In most businesses with the increase of the fixed capital that also of the circulating becomes necessary. This increase in the circulating capital, however, will be provided only if those who have to provide it have also the power to decide the amount necessary and the way in which it shall be raised; and so with the township. Its inhabitants were up to 1841 growing richer and have been growing richer since, but they would never have yielded such increased sums to local government had not local government been placed in their own hands. The people themselves, so to speak, have, since 1841, been not only proprietors of the township as they had always been, but the proprietors and managers of its institutions also.

It is necessary here to say a word or so concerning villages and towns, in the present legal sense of those terms. Townships, villages and towns all stand on the same plane, as the lowest units of local self-government. For unlike some other countries, in Ontario neither villages nor towns form part of townships, or are regarded as situated within them. As soon as a portion of a township acquires a population of such numbers and character as to entitle it to be called a village or town, it can and does cut itself off from the township to which it has belonged. It is no longer regarded as part of that township; but it at once

*The great increase between 1843 and 1846 will be explained later by the changes in local administration.

assumes relations to the larger area—the county—in which both are comprised, exactly the same as those of the township it has left.

If a hundred ratepayers, fifty at least being freeholders, of a particular locality petition the county council to create a village, and it can be shown to the satisfaction of the council that there is in that locality a population of at least seven hundred and fifty souls, occupying an area not larger than five hundred acres, the council may grant their petition, specifying in the by-law made for that purpose what lands shall be included in the village, and appointing a returning officer to conduct the election of the first village council. When a village reaches a population of two thousand, it may be created a town by the Lieutenant-Governor's proclamation, but it will still remain part of the county system. The steps by which a town, in some cases, becomes separated from the county, or reaches the dignity of a city and is thereupon altogether removed from the county system, need not be dwelt upon here.

In nearly every township there are lands surveyed as village lots (by some private individual who thinks it will be a profitable thing to do with his farm) and a plan of the survey registered in the registry office of the county. Here a population of two or three hundred may be living, and the land thus surveyed is constantly called a village by the inhabitants. Moreover, for convenience in township assessment and in transference of titles, it is called an "unincorporated village;" but so far as local government is concerned it is, until officially cut off from its township, simply a part of certain lots in a certain concession of that township.

The further discussion of this subject will be divided into three parts: The first part will consist of a description and comment upon our local government under the old town meeting and quarter sessions system, established by the Act of 1793, intituled "*An Act to provide for the nomination and appointment of parish and town officers.*" The second part will be similarly devoted to the system of local administration in which the district council is the important feature, introduced by Mr. Harrison's Act of 1841; and the third part will consist of an account and criticism of our present system of local government, established in 1849 by the Municipal Act, which has been copiously amended and reconstructed but not altered in essential principles.

The facts now to be narrated have been learned from observation of the actual working of local government, and from the records of local government, in the townships in the vicinity of the City of London, and I do not wish to imply that my account will be equally true of all parts of this province. But as the general frame-work of local government is uniform throughout the province, what is true of any one district will probably be approximately true of most Ontario townships.

Section 2.—Local Government under Quarter Sessions and Town Meetings.

As the Act of 1793 is not of convenient access it may be well to quote here its most important provisions:—

"I. It shall be lawful after the passing of this Act for any two of His Majesty's justices of the peace, acting within the division in which any parish, township, reputed township or place may be, to issue their warrant, giving eight days previous notice to the constable of such parish, township, reputed township or place, authorizing him, on a day to be fixed by the said justices in the present year, and on the first Monday in March, (amended to the first Monday in January, 51 Geo. III.) in every ensuing year, to assemble the inhabitant householders, paying, or liable to pay to any public assessment or rate of such parish, township, reputed township or place, in the parish church or chapel, or in some convenient place within the said parish, for the purpose of choosing and nominating the hereinafter mentioned town or parish officers, parish or town clerk, assessor, collector, overseers of highways, pound-keepers, and two town wardens."

V. The overseers of highways "are hereby authorized and required . . . to view and determine upon the height and sufficiency of any fence within their respective

"township . . . , conformably to any resolutions that may be agreed upon by the said inhabitants at such meeting."

This Act, under the authority of which our local government was originally established, recognizes that there are certain parts of a nation's administration which must, if any degree of excellency is to be attained, be left to the management of local officers; and not only was this recognized, but a system of local administration had already been arrived at with officers whose duties and modes of appointment were understood by the people. From this point, we have ourselves worked out a system of local self-government, at once enlightened, free, and efficient; and I shall attempt to trace the growth of this system through its more important stages.

It must not be supposed that it was from any idea of the justice or fitness of self-government, that in this Act some shadow of self-control was given to the people in their local affairs. The idea of self-government was not then a dominant one among the governed any more than among those who ruled. The whole system was conceived in a spirit of expediency; the scheme was a convenient one for the state of the country, and the people understood how to work it, many of them having knowledge of a similar system in their native places. When it was inaugurated it was perhaps thought by the great majority to be the best that could be devised. It eventually proved itself, however, far too narrow to meet the demands of a rapidly developing people. Our system of government was at this time highly centralized, but ever since the passing of this Act, there has been in Ontario an almost continuous relaxing of power and responsibility into the hands of the people themselves; self-government has been slowly becoming a matter of reality, and in no part of our polity has this shifting of the seat of power from the few to the many been more marked than in our local administration. The township is the unit to which much of this centralized power and authority has steadily, though slowly, filtered down; and while it has always been the smallest unit of self-government, it has also been that in which the people have most directly participated in the work of government.

The quality and quantity of power, which was intended to be put into the hands of the people assembled in "town meeting" or the general assembly of the township, may be seen by the very first words of the Act of 1793, "Whereas it is required for the maintenance of good order and the regular execution of the laws that proper persons should be appointed to superintend the observance thereof." From this it is very evident that it was not intended to entrust to the people assembled in their several townships any independent power of regulating their local affairs. They were merely to appoint officers to carry out the orders transmitted to them by the central government. The only matter on which the town-meeting was given any discretionary power by the Act of 1793 was the regulation of the height of fences; to this was added by an Act of the following year the determination of the conditions under which cattle, horses, sheep and swine should be allowed to run at large. But one cannot examine the records and appreciate to any considerable extent the feelings of this time without being convinced that it did not need an act of parliament to institute town meetings in this part of Ontario. On the contrary one will feel that there would have been town meetings had there been no parliament in existence, that the Act was required as much to limit the powers which might be exercised in these meetings as to provide that certain power should be exercised there.* Instead of needing to be summoned to town meetings, they were anxious to meet in this way. Instead of needing to be invited to exercise the little authority put in their hands by this Act, they were continually seeking wider powers. However small might be the authority actually granted, the very fact of their meeting and choosing officers and exercising the meagre powers given them must gradually create in a people of strongly democratic tendencies a keener desire and greater ability for self-government. When they met discussion ensued, rules of doing public business were evolved, and men were constantly brought to think of the necessity and the advantage of local administration.

* Indeed, in the Journals of the House of Assembly the bill is described as one "To authorize Town Meetings, for the purpose of appointing divers Parish Officers."—Sept. 19, 1792.

The first town meeting for the Township of Westminster, held under the authority of this Act seems to have been held in 1817. The first patent for land in Westminster, would appear to have been issued about 1812, the patent-book not giving the exact date. There had, however, probably been town meetings in the township previous to 1817, or something very similar, because in the record of the meetings of 1817, it is called the "annual town meeting." All the business of the township for the ensuing year was transacted at this meeting. The records show that it consisted in choosing and appointing one town clerk, two assessors, one collector, two town wardens and two pound-keepers. These were to perform duties assigned them by the Provincial Government, and that government at that time was but little influenced by the popularly elected Assembly. The one semblance of self government shown in the record of the year's business is written at the bottom of the list of names of the men appointed to the above offices.

"Voted that the height of fences for the year shall be four feet six inches high; the four under rails shall not be more than four inches apart."

"Voted that hogs shall be free for the year 1817."

By this was meant that hogs should be allowed to run on the public highways of the townships, every man being required to protect his crop against his neighbor's hogs and other live stock with such a fence as above described.

Here is the record of all the municipal business done for the Township of Westminster for the year 1817, written on less than a sheet of note paper. Local government through the medium of townships was indeed meagre. The right to assess and collect tax from one's self, when one has no voice in deciding what shall be the amount of that tax or in what way it shall be expended, is not a very desirable one. Roads were much needed, but many soon began to feel that the people in the vicinity of the road knew better than the government at Toronto what amount of statute labor was necessary in their particular neighborhood.

Let me show as nearly as possible, from the information I have been able to obtain, in what manner the several officers executed their duty and in what that duty consisted. The first duty of the town clerk was to keep the minutes of the town meeting and to transmit the same to his successor in office. He had also to make a list of all persons in the parish of every age and sex, and forward the same annually to the justices by whom the warrant for holding the town meeting was issued, in order that these justices might lay the same before the Court of Quarter Sessions. This latter duty was soon neglected by the clerks and done away with by act of parliament.

The assessor's duty consisted merely in drawing up a list of each man's property. He did not even enter the premises of the men assessed, but contented himself with asking them, usually on town meeting day, in what kind of a house each lived, how many stoves and fireplaces there were in each house, how much arable and meadow land, how many cattle, horses, sheep, pigs each possessed. Every proprietor was liable to a fine if he gave in a list misrepresenting his property. Some parts of this list of information were very imperfect. How much cleared and wood land and how much live stock each owned were the parts of the assessment roll which were important and reliable. The assessor made no attempt at valuing the various possessions, his designation being therefore a misnomer. The value to be assigned to each acre, horse, cow, etc., was determined by provincial statute. All that the assessor did was to forward to the Clerk of the Peace a list of the property owners and a description of their property, showing in what it consisted. This list was called an "Assessment Roll" and from it the Clerk of the Peace proceeded to make the "Collectors' Roll." In this his office was merely mechanical. Besides the general tax, two special rates may be mentioned, which were levied in accordance with provincial statute by the quarter sessions. Of these, one, to provide a salary for the members of the Provincial Assembly, was first imposed in 1803 and continued to be levied till 1840; the other, which was fixed by law at one-eighth of a penny on each acre, was for the building and maintenance of asylums for the insane, and this went on as a separate tax till 1857.

The greater part of the direct taxes, however, was imposed by the magistrates in quarter sessions. They decided what rate was necessary in each district, and sometimes ordered special rates for townships and parts of townships, for purposes of local administration. In accordance with the orders received from the quarter sessions, the Clerk of the Peace wrote in the collector's roll opposite each man's name an amount of tax in proportion with the value assigned by statute to the list of property the assessor had returned him as owning.

The roll was then put into the hands of the *collector*, who proceeded to collect from the people the amount of money set opposite their respective possessions. From this it is easily seen, so far as assessors and collectors were concerned, that although they were appointed by the townships in town meeting, they were appointed to execute the orders of an authority over which neither township nor town meeting had the slightest control. Thus the township exercised no power whatever in the matter of taxation, and the "town meeting system" was little more than an arrangement by which the government could levy and collect their rates from the people with the least expense. But it did a great deal more than this—it educated the people. ✓

The *overseers of highways* executed an important function in the then rough condition of the roads. According to the original act of 1793 there were not to be more than six "overseers" in each township; afterwards this limit was raised to fourteen, then to thirty and finally it was left to the people to appoint as many as they considered necessary. Each male inhabitant between the ages of twenty-one and fifty years was required to perform annually by himself, or an "able-bodied" substitute, three days' labor on the roads in his own neighborhood. Additional days were added for those who owned valuable property, every £25 assessment requiring an extra day. The duty of the overseers of highways, or "*pathmasters*" as they were and still are popularly called, was to call at the house of the several inhabitants of his "division," or "beat," as it is commonly called, and warn them to come at a given time and work, as by law required, upon the highway at a certain place. The overseer also ordered what kind of tools each should bring, what kind of work should be done, whether the highway should be drained, graded, "chopped off" "logged" or graveled. In short he was given almost complete control over a number of men who were obliged to perform the work he ordered, but he was supposed to arrange this work in the manner most advantageous to the neighborhood. This the overseer generally did, but not always. If any overseer misused his power, at the following town meeting he was taken to task, the matter was discussed by the men of the neighborhood and if it was thought that the overseer had distributed the work to specially benefit himself or some friend, he was displaced and a new man elected to the office. This punishment no pathmaster desired to provoke. The office freed him from the performance of his own statute labor, but this was not a greater consideration than the loss of importance and the discredit that followed dismissal for such a reason.

Another duty of the pathmasters at this time was to decide whether any fence, concerning which there was a dispute, was or was not up to the standard required by the "town law" as "voted" at the last town meeting. These disputes arose when any live stock broke down a man's fence and destroyed his crop. In such a case the man who owned the crop would call the pathmaster to decide, first whether the fence was up to the standard; and secondly, if the fence were found to be satisfactory, what was the extent of the damage, as for that amount the owner of the cattle was responsible to the man suffering the loss.

In 1834 the duties of the pathmasters as to fences were transferred to officers known as *fence viewers*, whom the Legislature ordered to be elected in each town meeting. The need for fence viewers arose from the fact that disputes were constantly arising about "line fences," i. e., the fences which separated one man's land from the farm lying adjacent to it. When one settler had fenced his farm on four sides, the next settler came and by fencing his farm on three sides and joining his fence to that of his neighbor he was quite as well off as the first settler, although he had done only three-quarters as much work. It became the province of the fence viewers to say what

amount the new man should pay for being allowed to use his neighbor's fence. They also were to settle disputes about drainage. These officers are now appointed by the township council, and have power to decide disputes concerning fences, but have no authority concerning drainage. They have never acted singly, three forming a full court, and two a quorum. If they are called upon to settle any dispute, they file with the township clerk an award setting forth what they order the several parties to do. If any person neglect the orders of the award, any of the other interested parties may perform the work and charge the cost of it to the negligent party's estate.

In contrast to the overseers of highways, assessors, collectors and town clerk, who were elected only to execute duties imposed on them by statute, *pound keepers* were entirely servants of the town meeting. They impounded animals only in case they were found violating the laws voted by the town meeting; they fed them as the same body ordered, and they charged just such fees as were "voted to be just" by the same authority. The person who found another man's cattle destroying his crop might drive them to the pound. It was and is the pound keeper's duty to take charge of these cattle and retain possession of them until the claim for damages is settled, if the man impounding the cattle made such claim; and also until he himself is paid for his trouble and the food the animals have consumed while in the pound. All these payments were generally made to the pound keeper in the first instance, who handed over to the aggrieved party the amount awarded him by the pathmaster or later by the fence viewers. Of course all this proceeding was subject to reversal in a higher court, but this is the manner in which it was and is actually done. The pathmaster or fence viewers were called to the scene of destruction by the party injured and were paid for their trouble by the man owning the cattle if it was decided that the destruction was owing to the viciousness of the cattle, and by the owner of the crop if it was decided that it was owing to the insufficiency of the fence.

Town wardens were annually appointed in Westminster Township, but they do not seem to have been congenial to the place or time. The records do not show that they performed any service to the general public in the township. Men who know much of the public acts of other officers know nothing of town wardens. They had quite important duties assigned them by the statute, but in this township at any rate they did not execute them. In East Williams the town wardens drew up many of the rules concerning pounds and pound keepers; in most places, however, they were formulated in open town meeting. It would appear from the statute that the quarter sessions alone had legally the power to make such regulations, but it would seem to have seldom acted upon this provision.

The town meeting is the one feature of our early local administration which still exerts a potent influence on the great mass of our rural population. It is even now only a more decorous copy of what it was at the opening of the present century. At that time these meetings were very noisy and informal. Mr. John Carey, afterwards Superintendent of Schools for the Township of Caradoc, was appointed assessor at the first town meeting for that township, which was held early in the twenties of this century. "It was held," says Mr. Carey, "in the open field and was attended by nearly every male inhabitant of more than twenty-one years of age. It was boisterous in the extreme. Mr. Hugh Anderson was appointed town clerk, and wrote down the minutes for the first, and afterwards for several succeeding years, on loose slips of paper, which were speedily lost. The most noisy and forward fellow in the crowd called out some fellow-citizen's name in connection with some office, the crowd shouted their approval, and the clerk wrote down the name. The man was practically installed in his office by this rude process." There can, however, be discerned throughout the period prior to 1841 a gradual improvement in orderliness at the meetings as well as a slight improvement in the practical results of their deliberations. The questions which most agitated the minds of our rural legislators were whether live stock should be allowed to run at large, and what constituted a lawful fence. The opinion that everything except swine and vicious animals should be free commoners prevailed during this period. There was then much unfenced and unoccupied land which afforded pasturage for a large number of cattle, horses and

sheep; it was therefore during that period well worth the trouble of securely fencing the little land under crop, in order to make available the great extent of unfenced pasture. There was much discussion as to whether swine should be free commoners. There is a season of the year when swine will actually fatten in our forests; so that there was a strong economic reason for permitting even them to run at large during the autumn months, when the large area of woodland still unfenced was strewn with nuts from various trees. An attempt was made to frame the "Town Laws" so that advantage might be taken of these months of plenty without leaving the highways exposed to the destructive rooting of the hogs during the whole summer. This, however, was a failure. The swine did nearly as much damage to the ditches on the highways in one month as they did in six; and the autumn months are the worst for them to be at large, because the ripening crop is in constant peril from their ravages. After the people had vacillated for some years between the two opinions, the swine were finally denied the privilege of running at large. Each year, for nearly twenty years, this question was up for discussion at the town meeting, and the "pros" and "cons" were weighed. Sometimes it was decided one way, sometimes the other, but never without much discussion. The two questions, what shall be a lawful fence, and what shall be free commoners in the township for the year, were the only questions concerning which town meeting might really legislate, but they might and did discuss far weightier matters. Public sentiment on the largest public questions was here fostered. This, however, was not so important or valuable as the quality of mind that was developed. Little as was their law-making power, it was enough to show every man present the real necessity for laws, how laws were made, that laws were simply rules which ought to be the most advantageous that could be devised for the community, and that the community had an undoubted right to change these rules if they saw that a change would be an improvement. It was the conception of law that was fostered in the men of Ontario by their town meetings which led in a large measure to the establishment of responsible government in the Province.

To persons who to day see the extensive and intricate work done by our County and Township Councils, the question will at once arise, "How was this work done under the town-meeting system?" This question admits of no short answer. A large proportion of the work was not done at all. The Provincial Legislature did some of it, the great trunk roads having been built by commissioners appointed and paid by the Provincial Government. But the major part of the administration of local affairs was in the hands of the magistrates in Quarter Sessions. A full and careful study of the "orders" of the different District Courts of Quarter Sessions would, I believe, do very much to explain and justify the irritation which was so prevalent during the time that these courts exercised their taxing and regulating authority. The Court of Quarter Sessions was composed of the magistrates of the district. The London district consisted of some thirty-two townships which may be roughly described as those now constituting the counties of Middlesex, Oxford, Huron, Elgin, Brant and Norfolk. All parts of these counties were not, of course, then settled, but over their territory the Quarter Sessions of London district exercised authority. At some of the sessions of this court I find that twenty-three magistrates were present, but the usual number present was from six to eleven. They appointed a chairman from among themselves who was pretty regular in his attendance. The court met always four and sometimes five times a year. Of their wide judicial powers I shall say nothing, but pass at once to discuss their administrative and taxing authority.

In the minutes of this court for the London district, is an order directing the district treasurer, whom the court appointed, to keep his accounts of disbursements under these four heads: "Expense of Judication;" "Expense of Roads;" "Expense of Gaol and Public Works;" and "Miscellaneous Expense." This shadows forth the nature of the public business over which they exercised control. They levied whatever amount they deemed necessary to provide for the expense they saw fit to incur in connection with these affairs, the only limit put upon their taxing powers being that the whole tax should not exceed two pence in the pound on the assessment. The limitation on local taxation still exists, being now two cents in the dollar. This tax was gathered from the inhabitants of the several townships and deposited with the district treasurer through

the medium of the township assessor and collector, as already explained. The assessor reported in his roll the amount of property in the township; provincial statutes determined how much this property was to be valued at, and the district Quarter Sessions ordered how much money was needed by the district for public purposes, and "struck the rate" in the pound necessary to raise that amount.

The records of this court show no shadow of unfairness; but the men, who know the ways of doing business there, are many of them loud in complaints of arrogance and partiality. If any part of a road became very bad, a petition praying their worships to grant a sum of money for the repairing of such road, was circulated and signed by the inhabitants of the neighborhood where the road was situated. Sometimes this petition was granted, sometimes ignored. If the interested parties had a friend among the magistrates, the chances of receiving a grant for the improvement of the road were very much enhanced, but if none of the magistrates happened to be interested in any of the petitioners, the likelihood of their receiving a grant was so much the less. When a *new* road was needed a petition of twelve freeholders, residing in the vicinity where the road was required, was laid before a district surveyor of highways, an officer appointed by their worships. This officer examined the neighborhood and laid out the road; presenting his plan of the road together with his report at the next meeting of the court. If no local proprietor objected, the magistrates ordered the report and plan to be registered, and declared the road "established." If, however, the road was carried through private property, the owner of which was dissatisfied with the compensation offered to him, a jury was sworn to find what "damage" the owner of such property should receive; and likewise if any disputes arose as to whether the surveyor had ordered the highway to be constructed in the proper place, a jury decided the matter and their worships ordered the road to be established according to the verdict of the jury. This seems to have been perfectly just and satisfactory; but when it came to the actual building of the roads the people found it very difficult to obtain a fair and judicious distribution of the public money. Indeed, a fair and judicious distribution of the funds it was impossible for the magistrates to make. Their worships did not and could not know the immense territory composing the district well enough to act with proper discretion in every case. It was quite customary therefore, when improvement in the highway was needed, for the people of the neighborhood to make the repair by voluntary contributions, preferring this to undergoing the ordeal necessary to extract the money from the justices. It must be remembered, however, that in order to give liberally, the magistrates would have been obliged to tax heavily. This they did not and could not do, as the people would never have entrusted them with the handling of any greater sum of public money than was positively necessary. The pittance of tax paid by each man at that time was not paid with half the good will that twenty times the amount is now paid. The statute labor was, of course, always applied to the roads; and at this early time it was very efficient, much voluntary work being done over and above the requirement of the statute. There was a special rate of one-eighth of a penny in the pound levied on absentee lands, the proceeds of which were to be applied to the improvement of the roads; each township being entitled to receive from the district treasurer all the money paid in it as absentee tax, the money to be applied to the improvement of its own roads. Each magistrate by this means would have the absentee tax for at least one township under his control and might with this supplement the statute labor. They often issued an order directing some "pathmaster" to have all the work in his "beat" expended at some certain place. Remembering who the pathmasters were, how they were appointed and to whom responsible, such interference was likely to be very annoying, especially if it was thought that especial benefit would be derived by some magistrate or his friend from such a disposition of the work. All the public funds available for the building of roads and bridges in six counties were in the hands of these eight or ten men appointed for life by the Government. In the matter of roads and bridges they were indifferent and incompetent; they neither knew the needs of the district nor were they sufficiently anxious to supply them to make them officers at all fitted to open up a new country. In the matter of the gaol and other public works the court was also invested with large authority. They procured plans and estimates for the building of a gaol and court house, of what dimensions

they deemed fit, erected these buildings and ordered the people to pay whatever expense had been incurred in the process. Their worships also ordered what fare the prisoners should get, and contracted for the supply of provisions; they ordered what fees the district officers should receive; they had control of public charity and occasionally voted a pittance for the relief of an unfortunate pauper. They exercised the right of granting or withholding the authority to solemnize marriage, ministers of any but the English church being allowed to perform this ceremony only after much trouble and annoyance. Besides this large statutory authority they might venture on almost any stretch of power and no person was willing or able to make question of their actions. A body of public officers with such large and unrestricted powers, would now be considered by the people somewhat dangerous even were its members annually subject to popular election. The magistrates, however, who exercised these enormous powers in quarter sessions were appointees of the government, who often had very meagre qualifications to recommend them for public office. They were frequently old army officers with pensions, almost always men of sufficient income from some source to render them indifferent to, and independent of the hardships and wants of the average hard working settler. Canada was perhaps nearer having an aristocratic class at that time than she has ever been since; these men had not enough in common with the great majority of the settlers to make them wise and considerate local administrators; many of them were very ignorant and others were addicted to the vices common to unemployed men. Their incompetence and arrogance were not so much noticed, nor indeed was there so much of it during the earlier period of their existence; the people had then but little to ask from local administration, but when they began to demand active and progressive local government these men were at once found a hinderance. The people desired large improvements, but, the magistrates being what they were, they dared not or would not trust them with the necessary funds for doing the work.

From "The Seventh Report on Grievances" printed by order of the House of Assembly in 1835, we find that many of witnesses who had recently appeared before a Committee of the House had been examined on this subject.

*432. "Are men chosen to fill the commission of the peace and the offices of the district who have been long resident in it or are strangers more generally preferred?—Latterly strangers.

433. "Are the justices of the peace resident in your county chosen exclusively from one party of politics, or indiscriminately from respectable men entertaining various political opinions?—They are principally half-pay officers and strangers; I mean the later appointments.

435. "Do you think the Lieutenant-Governors of themselves possess sufficient knowledge of the inhabitants of the several districts to enable them to select judicious persons as justices of the peace?—I should rather think not.

436. "A very large sum of money collected by direct taxation is annually entrusted to the magistrates, they being irresponsible to the people either directly or indirectly, would it not be more in accordance with the genius of the constitution if these moneys were placed under the control of persons appointed by the qualified electors?—I think the monies would be better managed under the control of persons appointed by the qualified electors."

It should indeed be mentioned that some witnesses answered these questions in a sense exactly contrary to the answers here quoted. It was a generally received opinion, however, that the magistrates had most of them at this time become branches of that much maligned party known as the "Family Compact," which had fixed its roots so deeply in the heart of the Central Government that it was able through its power of appointing magistrates and other functionaries to exercise a surveillance over the minute details of local administration. To say that every magistrate was a tool of the ruling official clique would perhaps be too much, but this much at least is certain—the Family Compact did not hesitate to dismiss magistrates who became active in advocating responsible government.

✓ In dismissing this section of my subject I must say by way of recapitulation : that the town meeting and quarter session system of local government was originally conceived with perfectly honest and good intent ; that as long as it was honestly administered by the central authority it was tolerably efficient, although the statutory valuation of the assessment list often led to injustice : its viciousness lay not in the theory of the system if honestly administered, but in its extreme liability to mal-administration ; and this mal-administration made its appearance just as soon as the country was sufficiently developed to make it profitable. This, however, was not altogether the outcome of the local organization itself ; our whole civil policy was such as to encourage its abuse. The entire administration of the country was in a clogged state. From the highest executive body to the lowest, the people were not willing to entrust their money to the men who were in authority, and through whose agency must be carried out whatever public improvements had to be made. The town-meeting during this period was of great service, not only as a place where political thought was fostered, but also as a means of communication where each farmer learned that the other men of his township were of the same mind as himself concerning the administration of public affairs. It was in this general discontent and desire for a more progressive state of things, that "the rebellion of 1837-8" consisted. The body of citizens who took up arms was very small compared with the number who would have done so, had they not hoped for a speedy reform without recourse to violence, and had they not considered it a sacred duty to "be subject to the powers that be." While the rebellion is to be deplored for some reasons, we must on the whole look upon those who suffered in that strife as martyrs to the great cause of responsible government, the fruits of which we have ever since enjoyed. Previous to this time our local government was paternal, since then it has been responsible.

Section 3.—Local Government under District Councils.

The outcome of the struggle which had been going on for years, and which culminated in the rebellion was, so far as local government is concerned, the establishment of the district councils throughout the province. Owing to the pressure brought to bear on the Colonial Office at the time of the rebellion, Lord Durham was appointed by the Imperial Parliament to inquire into the questions involved in the Canadian troubles. Nothing can be more certain than that this astute statesman saw plainly that the whole mind of the populace was bent on having, and really needed a new system of local government. The old system under which every tax and every office was at the will of the Governor and Council or their appointees, was thoroughly worn out and rejected. "Lord Durham's Report" on this part of his immense subject is still a storehouse of municipal wisdom, although so often plundered. My sole task however, is to deal with the institutions which have been in actual use amongst us ; hence I will at once proceed to indicate the nature of the system of local government introduced by the Act of the Canadian Parliament intitled "An Act to provide for the better internal government of that part of this province which formerly constituted the Province of Upper Canada, by the establishment of local or municipal authorities therein."

By this Act district councils were established throughout the Province of Upper Canada, and to these councils was transferred the administrative authority formerly exercised by the magistrates in quarter sessions, besides other specifically named powers. Each council was to consist of men chosen by the assessed inhabitants at their annual town-meetings. Up to this time the voting at these meetings had been by show of hands or by "standing vote." Now that it was necessary to elect men to perform such important duties as devolved upon a district councillor, this rough mode had to be abandoned. A poll book was henceforward kept in which each elector's vote was recorded. In townships where there were more than three hundred electors, two councillors were chosen, but where there were less, only one ; every township having the right to be represented by at least one councillor. For some time after the inauguration of these councils, the districts were composed of the same townships as under the quarter sessions system. The town-meeting continued to exercise its old powers of electing officers

for the township, and making town-laws, as well as the added function of electing the district councillors. From this it will be seen that the affairs of the township went on much the same way as under the previous system; the only difference being that the men who administered the district affairs were now responsible to the people, whereas they had before been irresponsible. Although there was a great change in the spirit in which local administration was carried on, there was no important change in the plan of local government; a new set of men were elected to work the old machinery, and they proved themselves capable of turning it to better account than their predecessors, the magistrates, had done.

During the eight years that these councils were in existence throughout the province, the council of the London district passed one hundred and sixty-four by-laws, dealing with many subjects. This was a vast change from the old state of affairs. It must however, be remembered that every by-law of each district was laid before the Governor in Council, and might be vetoed by him. This power of veto was, however, very sparingly used, as far as the London district was concerned.

To one who has lived only in a country and an age where the spirit of democracy seems to permeate the very soil, it is almost provoking to see the reluctant piece-meal manner in which all central authority seems to relax its grasp on power, and to grant to the people themselves what now seem their plainest rights. Even in this Act, establishing in some ways wide democratic municipal institutions, the government could not find it in its paternal heart to leave in the hands of the district council, the people's representatives, chosen tri-annually under a wide franchise in open town-meetings, the power to choose their own permanent officers. The warden was appointed by the Governor in Council. This was done perhaps in imitation of the Provincial Government which received its Governor from the hands of the British authorities; but the reserving to the Governor in Council of the right to appoint a district clerk, a district surveyor and a district treasurer, seems to indicate an undue craving for power and patronage. There can be no doubt that four men in the positions of warden, clerk, surveyor and treasurer, could wield important influence at any parliamentary election, because their constant intercourse with the public, and their opportunities for doing small official favors must give them a great influence with the electorate. There are, however, other reasons for this seemingly undue retention of power. One cannot enter into the spirit of that comparatively modern time, without feeling that there was an honest fear on the part of the provincial authorities lest the people should not use their powers even to their own advantage, and that these same provincial authorities honestly doubted the people's ability to exercise sufficient discretion in the choice of their officers and the execution of their business. It cannot now be maintained that these doubts were wholly without foundation. The wholesale manner in which municipalities contracted public indebtedness is the clearest proof that it was quite possible to grant too much power to the people in their then stage of development. Again, considering the proximity of the Rebellion to this period, we must also admit that the provincial government had some grounds for fear that too wide authority in the hands of these little district democracies might be detrimental to the central authority, especially since a large amount of revenue was collected through the district councils. Another consideration is found in the fact that the old officials who had served the quarter sessions might have been summarily dismissed by the district councils, thus causing them grievous loss, had the appointment of these officers been at once entrusted to the council.

The men who were chosen by town meetings as district councillors were the best the townships afforded. They were practical men who took hold of the work of opening up the townships much more vigorously than their predecessors, the magistrates in quarter sessions, had done. They knew the state of nearly every road and every bridge in the district. If any elector needed improvements in his neighborhood, he went to the district councillor representing his township and stated his needs, and requested the councillor to come and examine the situation. Any district councillor who was not obliging in thus listening to the petitions of the electors was not likely to be re-elected. In this way, by the combined knowledge of the councillors, the needs of the district at any particular

time were pretty well understood. Their authority extended over all public works, which, in their judgment, were for the good of the district, and of which the estimated cost was not more than £300. If the estimated cost was more than that, plans and estimates of the work must be submitted to the board of public works, the estimates being made by the district surveyor, who owed his appointment indirectly to the Provincial government. Indeed, all works of importance were examined and reported upon by this officer before the council took any definite steps. They passed by-laws raising whatever funds were necessary to meet the expense incurred in administering the affairs of the district. This money was generally levied on the old plan, in which the assessors, appointed at town meetings transmitted to the district officers a list of the property owned in each township, the provincial government determining by statute at how much this property should be valued; the district council, however, instead of the magistrates, decided what rate in the pound upon the total assessment was necessary to supply funds enough for public purposes. The collector of each township still received his roll in which each inhabitant was charged with his share of the necessary tax as apportioned by this method. The first by-law for raising money in the London district did, indeed, levy a tax of one penny on each acre of taxable land in the district; this, however, was exceptional, the other method being more generally followed. The injustice done to some parts of the district by the government assigning by statute a value to each piece of taxable property can be well illustrated in the county of Middlesex. The county council there "equalize the assessment" by estimating the average value of the land per acre through each township. These men are enlightened and capable men with much better facilities for determining the value of land than the government had at the time they passed this statute, and they in 1881 estimated the land in Caradoc township to be worth an average of \$21 an acre, and that in Westminster township an average of \$50. According to the old system, they would both have been valued alike, and would each have paid the same tax per acre.

The meetings of the council for the London district were held four times a year in the city of London. These meetings were orderly and business-like, and the by-laws then passed are models of terseness and perspicuity. Sixteen of the twenty-six by-laws passed during the first year of the council's existence were to provide for the maintenance, establishment or alteration of roads. The other ten by-laws specified the duties and the salaries of the district clerk and the district treasurer and the mode of obtaining money from the treasurer, *i.e.*, on the authority of a by-law of the council; levied a tax of one penny in the pound on all assessment in the district; imposed a fine on members absenting themselves from the council (it must be noticed that the members at first received no salary); regulated prison supply, in which was included salaries of prison staff and prison diet; provided money for the "administration of justice expense"; prescribed the manner of performing the statute labor; and provided clothing for indigent persons on leaving gaol. This indicates pretty clearly the scope of affairs over which the council's authority extended. They did, however, determine other matters, which may be here indicated. In 1843 a by-law was passed creating seven school districts in different townships, and providing for the assessment of the inhabitants in an amount sufficient to build school-houses in each of these districts. This tax was not a district tax, but levied on the inhabitants of the several school districts or sections, each section receiving for its sole and only use the whole amount paid to the collector by the inhabitants of the section less the cost of collection. In 1844 a by-law was passed appointing a superintendent of common schools for the district, and a superintendent of common schools for each township. In the same year a by-law was passed levying a tax of £80 "for the maintenance of one model school for the period of one year from the establishment of the same." In the same year, 1844, a by-law was passed raising an amount equal to the provincial grant (*i.e.*, £1,245 8s. 3d.) for the maintenance of public schools. This levy was apportioned not among the school sections but among the townships, Westminster paying for example £138 to this tax. The district council ordered the proportion in which it should be collected from the several townships. A by-law was also passed enabling each school section to raise money to pay their public school teacher. It is evident that education was at this time made a

prominent feature of local administration. In 1849 a by-law was passed at the request of "a majority of the persons entitled to vote in the township of Yarmouth" providing for the levying and disbursement of a fund for the support of indigent persons in the township, to be raised from the ratepayers of the same. The township clerk was made custodian of the fund, and rendered his account to the district council, paying out the money on the order of the councillor for his township.

The manner in which the district council dealt with roads and bridges may be illustrated by the by-law which was passed annually for the "appropriation of the surplus revenue of the district." The appropriation was at first quite specific, and the whole surplus was first divided among the different townships. In 1844 Westminster was given £51 "to be expended as follows:" reads the by-law, "£5 in building a bridge across Kettle creek, where it crosses the town line in the 8th concession. Alexander McKellar and Hugh McCrae, commissioners," and so on. In this manner the by-law goes through the whole sum of £800, apportioning throughout the different townships small sums to some particular pieces of work and appointing commissioners to see that the work is executed in a proper manner. It was soon seen, however, that as each councillor knew the needs of his own township only, it practically amounted to each representative's distributing the amount of surplus due to his township. Moreover it was found that the best results were not reached by this wholesale appropriation of the funds. It often happened that a more needy place was afterwards discovered in the township than the one where the money was ordered to be expended; and accordingly after 1845 the district council merely divided the money among the different townships and gave the councillor for each township control over the expenditure of the sum. It was from this annual apportionment that most of the improvements in the public roads at this time were made.

The system of local government just described was in use only eight years. This, however, must not be taken as an indication that it worked ill; on the contrary, the improvement which it was found to be on the older system led to further steps being taken in a similar, though not exactly the same direction.

Section 4.—The Present System.

Our present system of municipal institutions was introduced by an Act of the Canadian Parliament, passed in 1849, although the new plan did not make much impression on the country until 1851. It is not my purpose to give a summary of the original Act, nor to follow it through all the sinuosities of amending and repealing which have befallen it since its introduction. The present Act is in essential principles the same as the first, and whatever good can be derived from a study of it will be obtained by examining it in its present state. Any detailed account of the Municipal Act, even as it now stands, is unnecessary; every one who will may read its enactments; my province is to show how and by whom these paper laws are made actual realities.

The backbone of local government in Ontario to-day is the township council. This council consists of five members, each of whom must be a resident in the township of the full age of twenty-one years, a subject of Her Majesty the Queen, and a freeholder of township property to the value of \$400, or a lease-holder to the value of \$800, in both cases over and above all liabilities. These five members have equal votes on all questions coming before the council. At the introduction of the present municipal system in 1849, they were all elected to an equally honorable position by the people, that of councillor; and when the five councillors first met they appointed from among themselves a reeve and as many deputy-reeves as they were entitled to by law. Indeed, in townships, which have adopted the "ward system," the councillors still elect from among themselves at their first meeting as many deputy-reeves as the statute allows them. The reeve, however, must now be elected in every township by the direct vote of the electors. When townships are divided into wards, the electors of each ward vote only for a reeve and one councillor, who shall represent his own ward in the township council. I do not think, however, that many of the townships have adopted this arrangement, it being more common for the deputy-reeves as well as the reeve to be elected by the direct vote of the electors

and townships in Lunenburg have. Where is it?

The number of deputy-reeves a township is entitled to is ordered by provincial statute, and determined in the following manner.

When the assessment roll contains more than five hundred names, one of the four members of the council, who have not been elected reeve, is elected deputy-reeve; and when the assessment roll contains one thousand names, one of the three still remaining members is elected a deputy-reeve (generally called second deputy-reeve); and at each increase of five hundred names on the assessment roll, another of the councillors is elected a deputy-reeve instead of a councillor, until the whole council consists of a reeve and four deputy-reeves. The purpose of this graded scale in electing deputy reeves is to give the townships representation according to their population in the county council, which is composed entirely of the reeves and deputy-reeves of the township, village and town councils. By this means a populous township has a reeve and two or three deputy-reeves in the county council, while a small township is represented by a reeve only; the reeves and deputy-reeves are both county and township officers, while the councillors are township officers only.

The first step in our local government is to elect this township council. Early in December of each year the clerk of each township causes large posters to be exhibited throughout his township, reminding the electors that they are required by provincial statute to meet, generally at the town hall for the township, at twelve o'clock on the last Monday in December, for the purpose of nominating candidates for the offices of reeve, deputy-reeve and councillors (in proportion as the population may require one or more deputy-reeves) to serve in the township for the ensuing year; and that if a poll be then demanded it shall be opened at the several polling places in the township, on the first Monday in January of the next year. On the same poster a plan of the township is given, showing where the several polling places are situated, and also shewing what part of the electors, owing to the situation of their property, must vote at each polling place. The polling place is usually a school-house. An average township will have five or six polling places, with an average of one hundred and fifty votes at each. To the great majority of the electors this notice is unnecessary, as they know the days of nomination and election well enough, and at what polling place each of them is required to vote; and they look forward to this time as one of excitement and interest.

This meeting of the electors, thus given notice of by the clerk, is, of course, the "town meeting" of the older systems, and is indeed still called "town meeting" by the older inhabitants. The meeting is open to any person who wishes to attend, but the electors alone have the right to nominate or to be nominated for office. Every male inhabitant of the township, who is a subject of Her Majesty, of the full age of twenty-one years, and assessed in the township for \$100 or more, is an elector. Every freeholder to the value of \$100, whether a resident or not, is an elector. Every farmer's son at home regularly working on his father's farm is an elector. Every unmarried woman or widow of the full age of twenty-one years assessed in the township for \$100 or more is an elector. [I have not, however, known any of these latter to vote at a township election, or to be present at a "town meeting."] In a village an elector must be assessed for \$200, and in a town \$300, to procure the franchise in their municipal election. In the ordinary township there will be present five or six hundred men, mostly farmers or men in some way connected with agricultural pursuits. Those living within a mile or two of the town hall will walk over after dinner, but those who live at a distance will drive over in their cutters, pleasure sleighs, or heavy sleighs as convenience may suggest. The hall is generally in a village where there are one or two taverns with accommodation for stabling the horses and providing food and drink for the men. There is generally a good deal of "treating" done on nomination or town meeting day; though on election day, all places where liquor is sold, are obliged by law to close their doors until seven o'clock when all the voting is over and the ballots counted. Both before and after the meeting little groups of electors will be seen standing here and there, discussing all kinds of questions, domestic, municipal, provincial, national. Good-will and loyalty to the township are fostered; men become acquainted with each other, and those who have paid scant attention to the minutes of the township council as they were published monthly in the local press are given the benefit of the observation of those who have followed

those minutes most closely. There is still much to admire in our town meetings, although they have lost every trace of legislative authority. All the officers formerly appointed in town meeting, and all the matters there dealt with are now transferred to the township council. The members of this council, however, are nominated and often elected at the town meeting.

Sharply at twelve o'clock the township clerk takes the chair and declares the meeting open for the nomination of candidates for the several offices: reeve, deputy-reeve and councillors. Order is at once observed, and after a few minutes of modest silence Mr. H. A. nominates and Mr. B. seconds the nomination of Mr. C. for the office of reeve. Mr. D. nominates and Mr. E. seconds the nomination of Mr. F. for the office of councillor. In this way the nominations continue for one hour or until all who desire nomination have been nominated. Usually many more are nominated than really intend to stand for election. It is a custom in many townships to nominate every man who has any grievance to lay before the electors as to the conduct of the retiring council and also every man who has any proposal to make in regard to municipal matters. Of course it is not necessary that an elector be nominated in order that he may secure a hearing from his fellow electors at this meeting, but it secures a hearing in an orderly way and those who are nominated are generally given precedence in making the after meeting speeches. As the time draws near to one o'clock the clerk informs the electors that the opportunity for making nominations will close sharply at one o'clock. The whole hour is never required for the purpose of making nominations, but no other business is ever entered upon until the full hour has expired, when the clerk declares the nominations closed and leaves the chair.

This ends the part of the meeting enjoined by statute, but so far from any elector leaving the hall at this juncture it is only now that the real interest begins. A chairman (the clerk being generally recalled to the chair) is chosen. Many electors who did not choose to sit out the dull routine business hour of nomination now take their seats in the hall. The chairman calls the meeting to order and briefly states the order in which he shall call upon those present to discuss the municipal affairs of the township. Out of courtesy the members of the council of the current year will be heard first; then those who have been nominated during the hour just passed will be called in the order of their nomination; and finally an opportunity will be given to any elector present to speak. The reeve, who is just finishing his year of office, on being called states to the electors, in a plain way, the work done during the last year in the county council. If there has been a raising or lowering of the county rate he explains why this was. He tries to show that in all his proceedings in the county council he has acted wisely and for the interest of his township. He may also enter into a discussion of the business done in the township council, but this is generally left for the councillors to discuss. If there be any important work pending or any large question to be dealt with by the township or county council during the next year, the reeve, if he be a candidate for the next year's council, states his views concerning such question and outlines the course he will take in the matter, if he be re-elected. The deputy-reeve is then called upon and gives a similar outline of his actions in the county council. If he and the reeve have differed on questions discussed in the county council he tries to justify his own course in the eyes of the electors. Where there has arisen a difference of opinion upon an important matter between a reeve and his deputy it is a part of the morality of municipal politics that the deputy should make this question an issue at the next election and oppose the reeve. The electors then decide between them. In this way warm discussions ensue, in which quite eloquent speeches are sometimes made. The councillors are then called in succession and each gives his account of the work done by the council during the year. If a difference has arisen on any question during this time, each councillor expounds the view he took of it, and tries to convince the electors that this was the proper position to take. In this way, by the time the five members of the retiring council have spoken, nearly every item of business of any importance to the electors will have been presented to them. Then the men who have been just nominated, some of whom were probably defeated at the last election, and have consequently been watching the minutes of the county and township councils for an opportunity to criticize the councillors, are called upon. They discuss the issues which have come before the county and

township councils. The speeches of these new aspirants are generally of a fault-finding character; the office of councillor being rather a thankless one. Most of the electors seem to feel that they do a favor to the man to whom they give their suffrage, and that if any man serves wisely and well, he simply does his duty, is paid for it, and deserves nothing more. If, on the other hand, any councillor has blundered or been derelict in his duty, especially in a township affair, he will certainly be exposed at the town meeting, warmly criticized, and probably defeated at the polls. At the close of town meeting a vote is often taken on local questions of interest. In Caradoc, at the town meeting for 1887, a vote was demanded on the question "Whether any live stock should be permitted to run at large on the highways." The vote was almost unanimous against this practice. This voting, of course, gave no legal force to the opinion expressed, but it led the township council to pass the by-law necessary to prohibit the custom. At the town meeting for Westminster Township, last year, the question was put "Are there too many members in the county council under the present system of municipal government?" The vote was nine to one in favour of reducing the number of members in the county council. When these discussions and expressions of the opinion of the electors, which usually occupy the whole afternoon, are concluded, those nominations which were not *bona fide* are cancelled. This is done by the man nominated asking the clerk to strike his name off the ballot, and securing in this request the concurrence of the electors who made and seconded his nomination. If there remain two or more candidates for the reeveship, or two or more candidates for any deputy-reeveship (i.e., 1st, 2nd, etc., deputy-reeveship) or more than the requisite number of candidates for the office of councillor, then some elector demands a poll, and the town-meeting is ended.

The major part of the responsibility of conducting the election devolves upon the township clerk, who in this capacity is called the returning officer. He, in the first place, makes the voters' list, taking the names as returned on the assessment roll. If any elector's name is wrongfully omitted, or improperly entered, he or another elector for him may appeal to the Court of Revision, which is the township council; and if not satisfied with their decision he may again appeal to the county judge; both of which courts have power to insert names or strike them off. From the voters' list thus revised, the clerk makes for each polling-place a poll-book, which consists in a list of the names of those who have the right to vote at each particular polling-place and a brief description of the property on which they found their claim to vote. It is his duty to procure ballot-boxes and a room in which the voting for each polling-division may be carried on; he has the ballot-papers printed, and before the election day, distributes to the deputy-returning officers ballot-boxes, ballot papers, and all the things necessary for conducting the voting. Each year before the council retire, they appoint a deputy-returning officer for each polling-place in the township. It is the duty of the deputy-returning officer to supervise the actual voting; he may, however, secure a poll clerk to assist him. Both are sworn to honesty in the conducting of the voting, and to secrecy as to how any man voted, should they by chance learn. Each candidate is entitled to have, and generally has, in each polling-place, at the deputy-returning officers' desk, a scrutineer, i.e., a man whose business it is to see that the candidate whom he represents is dealt with fairly. He has, however, no authority, the deputy-returning officer being entirely free to act according to his own judgment: the scrutineers may raise objections; if the deputy-returning officer over-rules the objection, the only redress is in protesting the election. There are always several scrutineers present at each polling-place, so that the business of voting is closely watched. If any man should attempt to vote who had not fulfilled the required conditions for being an elector, some scrutineer would challenge his vote. The elector would be asked to take an oath that he had satisfied the conditions in question; if he took the oath, the deputy-returning officer would give him a ballot-paper and receive his vote; if he refused to take the oath, he would receive no ballot-paper. All scrutineers take a solemn declaration of secrecy concerning anything that may happen tending to show for which candidate any elector has voted. There may also be a constable appointed to maintain order at the polling-place. It should be mentioned that all these officers, as well as the candidates for office, cast their votes like all other electors, and that they are chosen from the farmers and ordinary citizens.

While all this official preparation for receiving the votes of the electors is being made, the electors themselves since town meeting have not been idle. If there is a keen contest, meetings are held at the different school houses throughout the township. Here the opposing candidates air their oratory and instruct the electors in municipal matters. Every old councillor is sure to be plied with numerous "whys? and wherefores?" by the electors. As a consequence, any one who will trouble to enquire, will find the ordinary elector well versed in the affairs of his township. Such public meetings during the week between nomination and election are, however, by no means the universal rule. In the township of Lobo such meetings are common; in Caradoc, they have occasionally taken place, but most townships with which I am acquainted are satisfied with the discussions on town meeting day. Dominion and ~~provincial~~ ^{always} politics are ~~never~~ introduced in these meetings; never by a wise candidate. The constituencies are, however, so small that nearly every candidate who is anxious can, either personally or by some of his friends, get into communication with every elector whose vote there is any chance of securing, and it is in this private way that party politics are wormed into municipal elections.

No man's politics are ever urged in public as a reason for supporting him in a municipal contest; still there has been a strong vein of party feeling in the township elections of which I have had knowledge, especially in the cases of the reeves and deputy-reeves. There are several reasons for this. The warden of the county is chosen annually by the county council; the county council is looked upon as a school of which aspirants for parliamentary honors should be graduates. The wardenship is often the stepping stone from which a seat in parliament is obtained; whichever party has a plurality in the county council, almost invariably elect a warden of their own political creed. There is also considerable political feeling shown in the county council's choice of permanent officers, which adds to the propagandism of party politics in municipal elections. In the townships with which I am acquainted there is a tendency in each party to try and secure a majority in the township council, so that an assessor of the right party may be appointed. The assessor can, if he choose, be careful to place all the available names of his own party on the assessment roll, while he puts the names of the other party on the roll only when from "reasonable inquiry," or in consequence of a demand on their behalf, he has knowledge of their right to be on. Of course there are many persons of both parties, whose names are never on the roll as actual ratepayers, but only as wage-earners, farmer's sons, etc.: and it is among these that the assessor can, while not being derelict in his duty towards any party, still be of service to his own party by an assiduity in securing names over and above that required by his oath of office. It must be remembered in this connection that the voters' lists for parliamentary elections are based upon the township assessment roll. The fact of not being entered on the assessment roll does not deprive any man of his vote, for he may have his name put on the voters' list at the Court of Revision. This, however, requires attention by some person, an attention which is often not given at the right moment, so that the vote is lost; whereas if these names are looked after closely by the township assessor when making his annual round all trouble is avoided. Forces more potent than political allegiance, however, are also at work in determining which way an elector will cast his vote. Honesty, neighborliness and ability are points that weigh with the average voter when he is ^{privately} approached for his suffrage in a municipal election. He will vote for a man residing in his own quarter of the township, other things being nearly equal; but he demands honesty in the public business, and a fair ability in the execution of the same. There is too a strong tendency to re-elect a man who has been faithful in his duty and has shown an aptitude for public business. The electorate is, however, unmerciful to any dishonesty or blundering, if it is brought to light; and brought to light it almost certainly will be, under the present system when so many of the electors take so constant an interest in the proceedings of the council. For this reason, dishonesty is almost unknown in the dealings of the township councils. During fifteen of the last twenty years the reeveship of Caradoc township has been held by three men who occupied it for four, five, and seven years each. When we remember that almost every man is expected to serve five or six years in the council before he is elected reeve, and that he

changed township 3 years 4 man.

is often elected and re-elected to the reeveship for five or six years more, we at once see that the electors appreciate experience as well as ability.

After this week of public discussion and private electioneering, the electors betake themselves to the polling-place. The deputy-returning officer, before any votes are cast, empties the ballot-box before the eyes of the poll-clerk, the scrutineers, and such electors as happen to be in the building; he then closes, locks, and puts his seal upon it. The elector, when entering the polling-place, sees about him cards illustrating the manner of marking the ballot; as he approaches the deputy-returning officer, the poll-book is consulted; if his name is found there, the deputy-returning officer asks if there are any objections against his being given a ballot; if no scrutineer objects, he is given the ballot and retires to a private apartment to mark it, after the deputy-returning officer has explained to him how this should be done; if, however, his vote be challenged he must take the oath before it can be received. If any elector from blindness or other cause is unable to mark his ballot, it is marked as he directs, by the deputy-returning officer, in the presence of the scrutineers, the elector being first required to sign by "his mark" a declaration of his inability to read. There are usually not more than two or three voters unable to read at each polling place, *i.e.*, out of about one hundred and fifty votes. About ninety per cent. of the electors vote at an election of ordinary interest. At 5 o'clock the poll is closed. The deputy-returning officer in the presence of the poll-clerk and of the scrutineers breaks the seal on the ballot box, opens it and counts the votes. He then makes a written statement of the number of votes cast for each candidate and of the number of ballot papers spoiled. With these statements, the used ballot papers sealed in one envelope, the spoiled ballot papers sealed in another, the poll-book, the ballot box and all the other papers received from the clerk, he proceeds (generally the same night) to the clerk's office. There he makes oath that he has used the poll-book as by law required, hands in his statement of the number of votes cast for each candidate, and gives up all the papers received from the clerk. All these papers are carefully preserved by the clerk lest some one should demand a re-count of the ballots; which the county judge has power to grant. This, however, is of very rare occurrence. When the deputy-returning officer for each polling-place has handed in his statement, the clerk casts up the number of votes given for each candidate and declares the candidates having the highest number of votes for each office duly elected. If any candidate feels himself aggrieved he may lay his case before the county judge. If the judge thinks the ballots have been miscounted, or that the intention of the majority of the electors has been in any way defeated, he may recount the ballots and declare who is elected, or he may order a new election. There are strict laws prohibiting bribery, but there is seldom any need for their enforcement.

The township council holds its first meeting on a day appointed by provincial statute; after which they adjourn to any day convenient for themselves. There are from twelve to fifteen meetings during the year, meetings being monthly unless some unexpected business arise needing immediate attention; in which case the reeve, through the clerk, notifies the members of the council that a special meeting will be held for some special purpose. The regular meetings are now held in the town hall. At the introduction of the present system in 1849, there were very few townships who had town halls, and in Caradoc for several years the meetings were held in a hotel. Shortly after the inauguration of the present system of local government, however, most townships built town halls sufficiently large to accommodate the electors on town meeting day and for other public meetings in which the township as a whole is interested. It is often used for a "crystal palace" at the township fair; political meetings are held in it; nominations, elections, conventions, public lectures and occasionally divine service. Besides these uses, which are generally thought to be of a sufficiently public character to warrant the council in lending the hall free of charge, it is often rented for balls, concerts and "variety shows." All meetings of the council, wherever held, are open to the public. These meetings are, however, not largely attended by the people; none except the unoccupied attend unless they have business with the council. It is a rare thing for a member of the council to be absent from a regular meeting. Any member repeatedly absenting himself would find great difficulty in justifying such a course in the eyes of the electors at the annual town

meeting. The people in attendance on the council are always orderly and respectful; if any citizen approach the council board to hear their deliberations or to transact business with them, he invariably uncovers his head. When the council goes into session, the five members of the council and the clerk seat themselves at a small table. The reeve by virtue of his office is chairman, and opposite him sits the clerk, who by virtue of his office is secretary of the meeting, but has no voice in the deliberations, although his advice is often asked on issues which come before the council. Business is transacted by means of by-laws and resolutions. Every resolution is written (showing in most cases the signature of the mover and seconder) and laid upon the table. The reeve reads the resolution and if no discussion arises declares the resolution "carried." The discussions are never long or loud. The mover and seconder of any resolution need the support of only one other member of the council in order to carry it, as three form a majority. In questions involving much patronage liable to create much feeling the councillors often divide two on each side and thus oblige the reeve to show his colors and brave the ill-will of one side or the other. These written resolutions are taken possession of by the clerk, who enters them in the minute book. The more important actions, however, taken by the council are embodied in by-laws, which are read in open council a first, second and third time, and passed if supported by a majority.

If any citizen has a grievance, the abatement of which is in the power of the council, he generally sees some member of the council privately, explains the nature of his trouble, and leaves it in the hands of this councillor to bring his case before the council, where citizens are almost always awarded even handed justice. There are, however, at every meeting of council, men who demand something of the council in open session. The members always accord a respectful hearing to any citizen who talks reasonably in support of any claim he may make. The nature of the claims made by citizens will be seen as we discuss the different matters concerning which the council has power to act.

Very little of the actual executive work of the township is done by the members of the council. The only exception to this is that they do much of the letting and over-seeing of the building and repairing of roads and bridges. They do not, however, do this commission work in virtue of their being members of the council, but one of their number is appointed by the whole council to act in each case. The actual work of the township is performed at the order and to the satisfaction of the township council, and they appoint, pay and dismiss the men who do the work. These servants of the township council may be divided into two classes: Those whose appointment to office is permanent viz., the clerk, the treasurer and the surveyor; and those whose appointment to office is annual, viz., the assessor, the collector, the pathmasters, the fence viewers and the sheep valuers. The council, as occasion demands, appoint outsiders to take charge of particular pieces of public work if they think it more convenient or expedient than appointing one of themselves.

There are townships where members of the council serve gratuitously; most townships, however, pay their councillors from \$1.50 to \$2.50 for each day's service in council. The amount is fixed by the council itself, and therefore varies in different townships. Councillors are often paid for services other than the twelve or fifteen days they sit in council during the year, but the amount in each case is fixed by resolution of council and is always reasonable. The councillor's duty when away from the council board is to casually observe the roads and bridges in the township and see that they are kept in a state of good repair. He is not expected to go purposely to examine any part of the highway (unless he be sent for by a pathmaster, in which case he would probably be paid by the township); but it is supposed that a councillor will know the requirements of his own neighborhood, and that if any part of the road need repair, he will bring the fact to the notice of the council at an early date. If a bridge suddenly gives way the pathmaster in whose beat the bridge is situated, at once puts up barriers or signals to prevent men or horses from being injured by attempting to cross through inadvertency or during the night. If the breach be but slight, the pathmaster may hire some person to repair it, and run the risk of recovering the outlay from the council; or he may order some of the persons owing "statute labor" in his "beat" to do the

work and deduct the time thus occupied from their annual labor dues. If, however, the breach involve an expense of two dollars or more, the pathmaster or some citizen will probably report it to the nearest councillor. The councillor at once "lets a job" of repairing the bridge or orders the pathmaster to have it repaired. Of course, in doing this he incurs the risk of not being supported by the council; and in case a large expense (\$15 or \$20) is likely to be incurred, he will consult the reeve and perhaps some one other member of the council before he does much more than inspect the place. It is customary, in Caradoc township, for the council to give each of its members control of \$100 annually, to be expended in his neighborhood in cases of this kind; this, however, is not a common plan. In cases of emergency the councillor is often obliged to let the work by private bargain, but such cases are not numerous; most bridges are seen to be worn out before they become actually impassable, and the council orders by resolution that a "job shall be let" to repair the same, appointing by the resolution a commissioner, who is often a member of the council, to let and superintend the work. Jobs are let thus: the commissioner posts up notices to the effect that he will let a job of bridge building, grading, gravelling, ditching, or whatever the work may be, at a certain time and place, the place usually being where the work is required to be done. At the time and place mentioned in the notice there will gather a crowd of men desiring to do the work. The commissioner explains what must be done, and the man who offers to do it for the least money is usually employed. When the work is done, the commissioner certifies to the council that the work has been completed to his satisfaction and also how much he agreed to pay the man employed. When the council meets at the end of the month all cases of emergency as well as all cases regularly let by commissioners are dealt with. If the council are satisfied that the work has been satisfactorily performed and that the price is fair, they issue orders on the township treasurer for the amounts. In the townships, contrary to city, and even town experience, this way of building and repairing the public highways works well, and secures to the public good value for their money. The commissioners are never paid extravagantly. The council always appoints a man living near the place requiring reparation, who can consequently afford to "let" and "pass" a "job" on the highway for very little remuneration. He does not consider his time worth more than two dollars a day, and does not occupy himself for a whole day in superintending any ordinary piece of work. The trifling jobs, costing two or three dollars each, are let by some councillor or pathmaster, who scarcely ever makes any charge for his trouble. Men opposite whose property the road is in need of a bridge or ditch, will often offer to superintend the work for nothing, if the council will vote the funds necessary for the improvement. The whole system of slight and urgent repairs proceeds on the principle that the council will always pay for work actually needed and actually performed on the roads, but that the burden of proof lies with the man undertaking to make such improvement, who must show that there was an urgent and immediate need of repair, and that the work done was worth the amount demanded. The men who do all this work are the ordinary farmers, farmer's sons and laborers of the township.

Having thus looked at some of the matters over which the council keeps direct control, let us now pass on to some of those things which are done indirectly through officers who are responsible to the council and appointed and paid by it.

Section 5.—The Township Officials and their Duties.

1. The township clerk's duties are numerous: he is secretary of the township, he keeps all the township records, and he is the only official source of any information concerning the actions of the council. Particulars concerning every birth, death and marriage must be registered with him within thirty days of the date thereof. He has theoretically no voice whatever in public business, but a capable man in that office does very much to steady the working of the whole municipal machine. There is a complaint abroad at present that the clerk has too much influence with the councils of some townships. There is, however, little danger from that source. The tendency of the clerk's influence is to moderate the action of men who come to the council for the first time. New members

are often ambitious to radically change the course of affairs; but the warning and experience of a clerk who has known every action of the council for years has a wholesome and conservative tendency, leading every councillor to inquire more carefully into the probable results of the change he thinks of proposing. The clerk has an advantage even over old members of the council in this matter, because one councillor is often afraid of yielding to the advice of his fellow lest he should be considered as a nonentity in the council, completely influenced by the other members, while he listens to the clerk because the latter is not interested in misleading any of them. The clerk's long experience in municipal matters enables him to speak very often with more authority on many points than any member of the council is able to do, while his constant contact with the people secures confidence and respect, which makes his word weigh with the electors. He can do much to keep the citizens satisfied with what is being done if he chooses to explain to those who inquire, how and why the council took any particular step. The councillors themselves will of course try to justify their every act, but they are not listened to with the attention that is given the clerk who has nothing to gain or lose by the transaction.

The clerk, assessor and reeve act as a committee to go through the assessment roll and decide upon the men of the township who are qualified to serve as jurors at the high court of justice for the county. The clerk also makes out the "road list" for the pathmasters, consisting of a list of men's names and the number of days each man must work on the road. When the time for doing the work, which is before the first day of August in each year, has expired, these lists are returned to the clerk showing how much work each man in the township has done; if any person refuses to perform his statute labor, the pathmaster may have him summoned before the nearest magistrate and fined or even imprisoned, nor does this remove the obligation to do the work. Such a proceeding is, however, very rare; it is more common to "return the work" to the clerk as "not performed"; whereupon the clerk adds such an amount to the taxes of the negligent citizen as is considered by the council a fair commutation for the service. Most persons, however, perform their labor.

The clerk is a sort of depository for information concerning municipal matters, and is continually visited by the ratepayers who have disputes to settle about their tax, their line fences, their water-courses, their impounded cattle and other business. He has, of course, no power in these matters; but he points out the way in which redress must be sought, and, if he is a sensible man, he often saves a good deal of trouble and expense.

Another duty of the township clerk is the making up of the collector's roll. There are three principal rates—county, township and school rates—which go to make up the total amount of tax levied by the township officials, and here will be a convenient place to explain by whom and in what manner the amount of these different rates is determined, and by what authority the clerk enters a certain amount of tax in the collector's roll against each assessed person. First, the amount of the *county* tax is determined by the county council. That council makes an estimate of the expense which will be incurred by the county during the ensuing year, and divides the payment of this expense among the several municipalities constituting the county in a ratio which it considers proportionate to the cash value of the total property in each township—a sum known as "the equalised valuation." In estimating the value of a township the value assigned it by the township assessor goes for very little. For example, the township of Adelaide is assessed by the township assessor as being worth \$864,072, by the council as being worth \$1,103,500; the township of Caradoc is said by the assessor to be worth \$1,228,617, by the council \$1,300,539. The county council therefore is responsible to the electors for determining the amount of this tax, although it is assessed and collected by the township council. Secondly, the amount of tax needed for *township* expenditure is determined by the township council, who levy the same through their officers, the assessor and the collector. Thirdly, the amount of tax needed for *school* purposes is determined by the trustees of each school section. Every township is divided into school sections, and the ratepayers in each section elect three school trustees from their number. These are elected to hold office for three years, and one trustee's term of office expires each year. There must be an "annual school meeting" held in every school house in

the township for the purpose of choosing a trustee, as well as to hear the auditors' report of the last year's expenses and adopt the same, to appoint auditors for the next year, and to discuss any matter touching school work or expense. The trustees elected at this meeting have control of all school expense, engagement of teacher, building of school house, buying play grounds for school children, and every item of local expense incurred by the school's existence. They estimate the amount needed (in addition to the provincial grant) to pay the expense of the school for each year and make a requisition *on* to the township council to collect that amount from the ratepayers of the section. This the council does for each section, and the trustees present their order and receive from the township treasurer whatever they have requested to be raised. Thus it is the trustees who are responsible for determining the amount of this tax, although it is levied by by-law of the township council.

2. The *collector* receives his roll from the clerk, goes from house to house and demands the amount of tax set opposite the name of each occupant or owner of property. He gives security to the council by bond of himself and others that he will pay the township treasurer or bank to his credit all the money collected by him as tax.

This office is no longer profitable or necessary in township administration. The collectors say that they do not receive more than ten per cent.—some say five—of the tax when they thus visit the ratepayers. They leave their notices of the amounts due, and appoint a day on which they may be found at the hamlet where the council usually meets. The people come to them at the place appointed, or to their homes, and there pay their tax. In case the tax is not paid for any piece of land, if there be any personal property on it, it is the duty of the collector to seize and sell enough to pay the tax due, together with the expenses of seizure and sale. There are only three or four cases of this in an ordinary township each year; and as in those cases it requires an extra journey for the purpose, the work could be done equally well by any other officer. If the treasurer were ordered to notify each ratepayer by circular of the amount of his tax and the date on which it must be paid, they could bring their tax to an appointed place, as in fact the majority of them already do. At present the people pay the collector for collecting the tax, and do the collecting themselves. Let the treasurer be invested with all the authority of the collector, but not required to demand the tax except by writing. If a ratepayer does not attend to the notice let him pay for any additional expense occurred in collecting money from him. This would effect a saving of many hundred dollars to the province each year.

3. The *assessor's* duty is to go from house to house throughout the township, and, after enquiry and observation, to write in his roll the name of each citizen occupying or owning taxable property, together with his estimate of its "actual cash value, as it would be appraised in payment of a just debt from a solvent debtor." In this way he obtains much useful statistical information, and it might be well to give here some idea of the kind of facts collected by him and written in the roll he returns to the clerk. Opposite each man's name is a description of his land, *i.e.*, the number of the "concession" in which it is situated, number of "lot" or "sub-lot" the number of acres of arable or woodland, of marsh, swamp or waste land, total area of land, value of each piece of real property, value of taxable personal property, amount of taxable income, number of days statute labor, school section to which each belongs, number of dogs, cattle, sheep, hogs, horses, number of acres of orchard and garden, and number of acres of fall wheat; the number of persons in the family, their religious denomination, the number of deaths or births, if any, during the year, and whether these have been registered with the township clerk or not. Much of this information is necessary to enable the clerk to intelligently perform his duties, but so far as local government is concerned the one point to be remembered is that the assessor puts what valuation he thinks just upon each piece of property in the township, and that upon this valuation all direct taxes are levied. There is, however, an appeal from the assessor's appraisal. If any citizen deem his assessment too high or his neighbor's assessment too low, or thinks that there is any such error in the description of his property or name as may endanger his vote, he may appeal to the "Court of Revision." This court meets every year before the assessment

roll is finally adopted. The township council constitute the court, and the clerk is secretary, and makes any alterations in the roll that may be ordered by the court, after having heard sworn testimony touching the points put in issue by the appeal. If any citizen is not satisfied with the decision of this court he may appeal to the County Judge. There are yearly numerous appeals as to the description of property, but not many appeals concerning the valuation.

Throughout this account of the assessor's duty I have used the term "taxable property." It might be well to explain what is considered taxable property. Roughly speaking, it may be said that all property in land is taxable which is not held for educational, benevolent or religious purposes, or which is not the property of the municipality, as the roads, market square, public square, town hall, jail, court house, etc. The parsonage and two acres of land therewith belonging to the congregation or trustees of any church is exempt from taxation. All the personal property, except household furniture, of every citizen above the net value of \$100 is taxable unless the owner be in debt for the same or unless the chattels are *in transitu*. The assessing of personality in the townships I am acquainted with has degenerated into something almost farcical. A farmer with \$1,200 or \$1,500 worth of personal property, such as farming stock, horses, cattle, implements, etc., will usually be assessed at about \$200.* "Taxable income" is a very small item in the townships, there being next to no person having an income falling within the meaning of the statute living in country places. This probably explains why no attempt has as yet been made to remove the obvious injustice done the man who invests his capital in taxable property as compared with the man who invests his capital in obtaining a profession. The man with capital invested in property pays tax on his whole capital, while the man with a professional income pays tax on the income only and nothing on the capital invested in order to insure that income. In theory all income is taxable, other than the following: Personal earnings if not more than \$700, the first \$400 of any salary less than \$1,000, a minister's salary up to \$1,000, and income arising from capital invested in taxable property, as in the case of a farmer or merchant. The assessor has no means, or uses no means, of ascertaining the amount of any man's income other than his own statement. The whole system of assessing income is in sad need of improvement. In spite of all these defects, however, the mode of assessment, as it now stands, fairly efficient in distributing the burden of taxation evenly over the various inhabitants of the township, and on the whole, therefore, it is to be commended. In addition, however, to the criticism already offered in regard to some minor points, there is one evil which above all others ought to be remedied. In most townships, although the assessor is formally sworn to assess at the "actual cash value," it is a notorious fact that from one-half to two-thirds of the cash value is all that the property is actually assessed at. If it were only once made evident to the inhabitants that high assessment did not mean high taxes this evil would be easily removed. There are obvious reasons for wishing the assessment of each lot in the township to represent something like its cash value, while there is no reason whatever why the assessment should be placed at an amount not at all in keeping with the value of the property. When the assessor has finished his work he deposits his roll with the clerk, who, of course, has constantly to refer to it in performing his duties.

4. The office of *township engineer* is one of late creation, the duties attached to it being formerly assigned to "fence viewers." The necessity for the office arises from the circumstance that drainage, in order to be effective, must often be carried through the property of several persons, and that these persons are often unable to agree what part of the work of constructing and maintaining the drain shall be borne by each of them. The drainage law is based on the assumption that any person owning wet land has the right to drain that land, and that he consequently has a right to construct a drain through his neighbor's property if necessary to secure an outlet, the neighbor being obliged to pay for any advantage the drain may be to him. When, however, there are more than five land

* [Mr. McEvoy's criticism applies to the condition of things down to 1888. But by the Act, 51 Vict. c. 29, an exemption was made of "all horses, cattle, sheep and swine, which are owned or held by any owner or tenant of any farm, and when such owner or tenant is carrying on the general business of farming or grazing." His criticism is retained because the question is by no means settled.—Ed.]

owners affected by any proposed drainage, a majority of them must acquiesce in the proposal, or else a resolution of the township council must be secured in that behalf before the engineer can be required to perform his office. When a case of this kind arises, the man wishing to drain his land notifies all the persons whose land will be affected that a meeting of those interested will be held for the purpose of agreeing where the ditch shall be made, and how much of the work shall be done by each interested party. If they arrive at a satisfactory understanding, they draw up an agreement, sign it and file it with the township clerk, whereupon the terms of the agreement become binding upon the future owners of the land. If, however, they do not agree, the person wishing the drain may file with the clerk a requisition asking that the township engineer be sent to the place to decide what is just under the circumstances. The clerk notifies the engineer who appoints a day on which he will attend at the place requiring the drain, and after having heard sworn testimony, if any be offered or if he deem it expedient to demand it, he proceeds to "lay out" the required drain, if in his opinion it will be beneficial. Within a month after this, he files with the township clerk an award and a "profile," setting forth the place where the ditch shall be made, its dimensions and any other orders such as the distance of removing the earth from the bank, etc., together with his estimate of the proportion of the work which should be performed by each of the interested parties. The clerk notifies the owners of all lands affected by the award that an award has been filed, whereupon the interested parties may demand copies of the same: they generally, however, content themselves with reading the original at the clerk's office. If any person is dissatisfied with the award he may appeal to the County Judge who has authority to alter any part of the same. This law causes some dissatisfaction among the people at present, but will in the end recommend itself to all reasonable persons. It is questionable, however, whether the saving clause which has been added, requiring a majority of the interested parties or a resolution of the township council, is more calculated to prevent or to cause injustice. I do not imagine that a resolution of the council could be procured if a majority of the interested parties could not be procured, so that the man who is high up the stream or watercourse is to a considerable extent placed at the mercy of those below him. There is, of course, a danger of some man requiring drainage which is entirely disproportionate to any good to be received, if a majority of interested parties is not required, but this evil is, I think, of less importance than the opposite.

There is another way in which more extensive drainage is obtained in the township. If the majority of the owners of any large tract of land wish to have the same drained they may petition the township council to that effect, whereupon the council may order the engineer to make an examination of the district and report upon the same, estimating the cost of constructing proper means of drainage and the proportion of benefit each owner of land will receive from their construction. The council may then, if they see fit, prepare a by-law providing for the execution of the work and for borrowing on the credit of the township (by means of debentures, not to run more than twenty years nor to pay less than four per cent. per annum interest,) sufficient funds to pay all expense incurred. The redemption of these debentures is provided for by levying on each piece of land for each year during the currency of the debentures a sum proportionate to the benefit it received and amounting in the total to the cost of construction with interest upon the same. As above intimated the engineer decides primarily what proportion each piece of land shall pay, but from his assessment an appeal lies to the council acting as a "Court of Revision." Each person interested is either served with a copy of the by-law or it is published at length in some local newspaper before the Court of Revision is held, so that he has ample opportunity to dispute the assessment if it be wrong. When the council finally pass the by-law an appeal lies to the County Judge, not only for a readjustment of the proportions each interested party shall pay, but also for the quashing of the by-law *ab initio*. These debentures are bought by the Provincial Government, if, as is generally the case, the municipality so desires; they are, however, sometimes bought by the farmers in the township. The construction of drainage is let by tender, the parties who pay for the work often doing it themselves and thus receiving their own money back. Drainage costing from a few hundreds up to three and four thousand dol-

lars ~~are~~^{is} constructed in this method, and the majority of the people are satisfied with it as an economical way of procuring the large drains which most townships require.

5. The *pathmasters* or *overseers of highways* still perform the same duties as under the town meeting and quarter session system, although they are now appointed by the township council. To the old obligations have been added some trifling specific duties, such as cutting the thistles and other noxious weeds growing on the roadside; and in some townships they have the power of ordering the farmers to cut, before the seed ripens, all noxious weeds growing upon their farms, and if they neglect to do this, to summon them before a magistrate and have them fined. They still "warn out" those who owe statute labor, and oversee the performance of the same; they exercise a casual vigilance over the roads in their respective beats, in order that no part shall be allowed to become bad enough to render the council liable for damages should any accident occur through defect in the road. No direct responsibility devolves upon the pathmaster, the council alone are liable. The council, however, require their servant to keep them advised of the state of his charge. In most townships every two to four miles of road have a pathmaster.

Statute labor, in advanced townships at least, is now a failure. There was a time when it was a success, because everyone was anxious to get a passable road and consequently did much honest work while serving his quota of days. Now, however, in the advanced townships all roads are passable, many of them good; if they are not reasonably good the council at once orders that they be put in a proper state of repair. The result is that men are not anxious about the road, knowing it will be kept in repair whether they work or play; so that the men who go out to perform statute labor often idle through the time and do as little as possible; whereas under the old circumstances if the road were not made passable by the statute labor, the very men who were bound to perform this labor would have been forced to repair it by voluntary contributions, or else to put up with impassable ways as they would not trust in the hands of the magistrates sufficient money to repair the roads. The change in circumstances demands a change in system. In all townships commutation at the rate of one dollar for each day's work is already optional with the person owing the labor; in some townships it is fixed as low as seventy-five cents. Commutation should now in many districts be made compulsory. The township council is the proper body for this power to be vested in, and not the Legislature as has been suggested by some. The province is not, as a whole, ripe for such a measure; but there are many townships whose roads would be better maintained than they now are, if the whole statute labor system were abolished and commutation made compulsory at fifty cents a day and the money expended by commissioners. If the sum were fixed at seventy-five cents or one dollar there would be no need for any further township rate so far as roads would be concerned. I do not think there are many township councils who would dare to take such a step all at once, but if the matter were fairly discussed at the town meetings it would soon meet the approval of all, especially if it were made evident that it would have the effect of lowering the present rate. I would not have the commutation money collected as it now is by the pathmaster, but by the same method and the same time as other rates. Road beats and pathmasters might be retained, but the pathmaster should become a commissioner for spending money instead of a "foreman" on the road. By this measure we would indeed lose the work now done by men between the ages of twenty-one and sixty who have neither home, property nor income. This, however, would be a benefit instead of a loss. It is true that everyone should have some tax imposed upon him to remind him that he is a citizen; nevertheless it would be wise to abolish the obligation to perform statute labor in the case of these laborers. It is a real grievance to our laboring men; they are perhaps hired in a neighborhood for the six summer months, and one day the pathmaster comes along and says you must work on the road on such and such a day; of course they have not used the road at all and feel under no obligation, except compulsion, to perform the work. The consequence is that they complain loudly of the injustice; and none of the property owners try to justify the law which requires these men to increase the value of property in which they have no interest by improving the road adjoining it. In their railings they are wont to cite the freedom of the neighboring Republic "where men are not taxed for

"breathing God's air." There is very little material gain from the work these men do ; but there is serious damage done by the dissatisfaction it creates among not only them, but among the whole Canadian youth, who hear them make out an apparently good case, one at least which very few attempt to assail. It would be wise and would tend to decrease the migration of this class of men to the United States, if this part, at least, of the statute labor were entirely remitted. It must not be forgotten that all these laborers pay a large indirect tax to the country by way of customs and excise ; this, I think, should free them from further charge.*

6. In every township not having a by-law directing otherwise, every man whose sheep are damaged by dogs while within an enclosure, is entitled to demand from the council two-thirds of the value of such sheep as have been injured. There is, by provincial statute, a tax of one dollar on every dog and two dollars on every bitch. This money constitutes a fund out of which claims are paid. The party owning the sheep may make his claim at any time within three months after the date of the injury. Owing to this it was found difficult to decide what the sheep were actually worth, and whether they had been killed by dogs at all. It was found that unprincipled persons were making claims whose sheep had died of disease ; others made extravagant demands owing, as they affirmed, to the particularly high breed of their sheep. As these claims were usually not made for a month or two after the injury was done, there was no possible way of disputing them. To remedy this evil *sheep valuers* have been appointed in some townships. If any man intends to make a claim against the council, it is now directed by by-law that he shall call in one of these valuers immediately after the damage is done, and get his certificate stating the amount of loss he had suffered, without which nothing will be paid. One valuator is appointed in every neighborhood ; but his remuneration is very small, perhaps, not more than fifty cents or a dollar for each case. The dog tax is now a not inconsiderable source of revenue, the claims for sheep not nearly exhausting it.

There are many other affairs over which the township council has, theoretically, control. Such are sanitation, regulating fees for ferries, regulating licenses for public houses, and attending to the wants of the poor. All of these except the latter are, in most cases, formal powers but little exercised. In the case of licensing houses of public entertainment, the license commissioners appointed by the Provincial Government practically control it. The poor, however, are provided for separately in some townships ; but in some places *county* poor-houses have been built to which each township in the county may send their poor, the town-reeve's certificate being a sufficient authority to warrant the keeper of the house in admitting the bearer. In connection with the poor-house there is usually an industrial farm which the able-bodied inmates are required to cultivate.

Section 6.—The County Council and its Relation to the Townships.

The close connection existing between the county and the township obliges me to say some words concerning the county council. The work which was done by the magistrates in quarter sessions, under the first system, and by the district council under the second system, has been divided between the township councils and the county council in each county under the third, or present system.

It will have been noticed that no account is given of any action of the township councils concerning the administration of justice, the maintenance of court house and jail, the maintenance of constabulary, the support of poor houses, appointment and payment of school inspectors, the making of grants to high schools, the building of the larger bridges, the payment of coroners, etc. This work, under our present system, devolves upon

*[The question of public roads in Ontario may be usefully compared with its position in the States of the Union, as set forth in Professor Jenks' *Road Legislation for the American State*, Amer. Econ. Assoc. IV. No. 3. He proposes (p. 68) that roads should be divided into three classes (1) main roads, to be controlled by county authorities and supported by county funds ; (2) connecting roads, managed and partly supported by the county ; (3) local roads, wholly managed and supported by the township. See also the remarks of Professor Patten in *Political Science Quarterly*, IV. 526.—Ed.]

the county council, which is entirely composed, as already explained, of the reeves and deputy-reeves of the townships, villages and towns comprising the county. This council meets regularly four times a year. Several county councils in the province have as many as fifty members, the theory being that about every four hundred assessed persons shall have one representative in the county council. Each session of this council lasts about one week. The members are paid from \$1.50 to \$3.00 per day, each council regulating the salary of its own members. The warden, whom they elect, is by virtue of his office chairman. Most county councils model their "rules of procedure" after those used in "parliamentary practice." Their business is transacted by means of by-laws and resolutions. By-laws are used in cases where some permanent interest is involved, while resolutions are thought sufficient for ordering the payment of contractors and casual servants of the council. The members are a very intelligent and capable set of men, and display much wisdom and enterprise in the management of the affairs which fall within their authority. They form a very necessary and useful administrative body; and we have no sympathy whatever with the feeling, which is perhaps gaining ground in the province, that county councils should be abolished. There are now and probably always will be many matters and institutions needed for local convenience which are of such a nature as will not admit of their being administered by so small a unit as a township, with any degree of economy, and on the other hand are not of such a character as would warrant their being transferred to the care of the Provincial Legislature. No one township could think of managing a jail, or court house, or poor house, or of employing a competent man to be inspector of schools; and it would be equally bad policy to put these things in the hands of the Provincial Government, the members of which would rarely have any intimate knowledge of these institutions. Anyone who is at all acquainted with the matters of local administration that constantly arise in the present state of our development will recognize the force of this consideration.

The present county council is quite efficient, but it is very expensive. As pointed out by the "Commissioners on Municipal Institutions, 1888," in the County of Simcoe it cost \$6,000 to expend \$8,000 for the good of the county. This is, I think, a very exceptional case, but it conclusively proves that there is too much expense connected with the present county administration. It seems a positive necessity that the membership of the council be reduced. It has been proposed to divide the larger counties, but this would only increase the evil. A division of counties would mean a multiplication of the total expense for county administration in the Province as a whole. There is, perhaps, no county in the Province whose county jail or poorhouse or other county institution is too large to be managed with economy. On the contrary, most of the counties could manage larger institutions with a very slight additional expense. A gaoler, sheriff, clerk, and treasurer, and a poorhouse, courthouse, jail and county buildings, with their staff of attendants and officials, must be maintained by every county; if we multiply the counties we multiply the expense connected with these officers and institutions. Moreover, a constant hacking and carving of territory is most undesirable. It ruins all local loyalty and emulation, both very useful and desirable. The present system of electing the county councillors seems to afford no means whereby a reduction in their numbers can be effected. It would be very unsound policy to retain a village as part of a township after it had reached a population of seven hundred and fifty souls, because the needs of such a population are so dissimilar to the needs of a township population. Sidewalks, gas-light, fire-engines and water-supply are the public local questions which interest such a population, while these matters never occur to the farming population occupying the ordinary township. Separate existence as a village and separate representation in the county council under our present system go together; so that to make it necessary for a village to have a larger population before it can obtain the right to return a member to the county council is not practicable, because this would require these villages to be retained as a part of a township until they had a population beyond all reasonable bounds. There seems to be a settled belief that it is necessary that each township, town and village should elect a member or members of the county council to represent that particular municipality. Many think that the present way of utilizing the township machinery to levy the county tax imperatively demands this. The

present mode of "equalizing the assessment" or deciding how much of the county tax each municipality shall pay, is the one act performed by the county council which gives a strong color to this belief; apart from this function it matters little what municipality a man comes from, so long as he is a good public officer. If it is thought that a council elected in the manner I shall propose would not be as likely to do justice among the several municipalities as the Reeves of the townships, towns and villages would, let these Reeves form a body to be called together by the county clerk merely for the purpose of equalizing the assessment once every five years; even now no great change is made in the proportions paid by the different municipalities during that space of time. There are, I think, good reasons for discarding the present mode of electing county councillors, even if the system did not lead to an unduly large council. Under the present system each member feels himself in duty bound to act for the interest of his own township, even though it should be to the loss of the other parts of the county. All the members have equal votes. They do not by any means represent equal interests. In 1881, in the County of Middlesex, the total equalized assessment of towns and villages was \$1,597,001; the owners of this property were represented in the county council by twelve votes, while the Township of Nissouri, with an equalized assessment of \$1,584,000, was represented by only two votes. The total equalized assessment of all the townships was \$23,078,391, the owners of which were represented by thirty-seven votes. That is to say, in order to have a representative in the county council a township must be assessed for \$623,745, while a village or town need only be assessed for \$132,000. It is not a fair partnership; because the township pays \$6 tax and the village pays \$1, while the village has an equal voice with the township in levying and expending the \$7. It seems to me that men with such unequal interests at stake are not in the best possible circumstances for "equalizing the assessment," "striking the county rate," and "making the county estimates." They are not placed in circumstances which are conducive to fair dealing between the several municipalities, especially when each man is elected and feels himself in duty bound to get all he can for his own municipality. There is another point which deserves mention. There is no administrative body in our whole system about the actions of which the average elector knows so little as he does of the county council. The county council is not brought prominently before the people, and although no "crooked" work may have been done, it is in my opinion quite possible under the present system for great extravagance to be indulged in. In order to bring the observation of county business home to the electors it would be well to elect a *county council independent of the township council*. Let the electors of each municipality nominate candidates for county councillors at their township nominations, and let the township clerks return these nominations to the county clerk, who shall be ordered to prepare ballots containing the names of all the candidates nominated throughout the county, and send whatever number of these may be needed to each township clerk before election day. When the electors come to vote for their township councillors let them also vote for their candidates for county councillors. Let a statement of this vote in each township be forwarded to the county clerk, and let the fifteen who obtain the greatest number of votes constitute the county council. By this means every member would represent not any particular township, but the whole county; and the members would, I submit, be as likely to do justice between the several townships as those chosen on the present plan. They would certainly be as likely to do justice in all matters save the "equalization," and would be much less expensive. Such a scheme would lead to a more careful watch being put upon the actions of the county councils; and the members would be elected with a view to their fitness for the office of county councillor, and not be sent to the county council merely because they were already township councillors. This would at the same time supply a means whereby numbers could be adjusted to correspond with circumstances. It would also undoubtedly lead to public meetings for the discussion of county affairs, wherein electors would seek information upon which to determine for which candidates they should vote; whereas they now vote for a man from regard to his action as a township councillor, with very little enquiry into his conduct at the county council.

Section 7.—Conclusion.

Commonwealth

There are many things for which our municipal system is to be commended. Bryce, in his book on "The American Constitution" says, in speaking of the different systems of local government there discussed, that "the town or township with its popular primary assembly is admittedly the best. It is the cheapest and the most efficient; it is the most educative to the citizens who take part in it. The town meeting has been not only the source but the school of democracy. The action of so small a unit needs to be supplemented, however, . . . by that of the county, and in this respect the mixed system . . . is deemed to have borne its part in forming a perfect type." This praise, coming as it does from so high an authority, although not spoken of us, can, we think, be fairly appropriated by us. We have, we claim, much of the advantage of town meeting without its disadvantages. We have the meeting, we have the discussion, we decide on the larger questions, and we elect men to carry out the "popular primary" wish, and moreover these men do carry out this wish. Of our system it can be truly said it is cheap, efficient and popular. Its influence upon the people is good; it enlightens them and leads them to take an interest in higher politics, while the first and simple principles upon which it is conducted supplies them with a criterion by which to measure all political conduct. Higher politics in their turn react upon township politics. This has been much condemned and perhaps wrongfully. Bryce has said in the book before mentioned, "In America party loyalty and party organization have been hitherto so perfect that anyone put forward by the party will get the party vote, if his character is good and his 'record,' as they call it, unstained." This statement has some force where he makes it, that is, in accounting for the kind of men who are able to command a large vote for the presidency of the United States; but in local affairs there is distinctly another side to the question, and one which to some extent may counterbalance the evil pointed out by him. I am convinced that if it were not that "party loyalty and party organization" are so much fostered here, our local institutions would be much worse administered. Good and able men would not interest themselves in township or county polity did not the careful and honest discharge of the duties there imposed open an entrance into Provincial and Dominion politics. There is not a class of capable men on this continent who are either willing or financially able to administer the affairs of the township or the county for the little honor that attaches to such offices. Men do these things here for the reward they promise either directly or indirectly; and there is no greater inducement that we can hold out than the hope of rising high in the estimation of party and country. All, of course, can not rise to great importance, but all can indulge the hope of rising, and in this hope discharge onerous public duties which would otherwise be neglected. The party enthusiasm which spreads through our whole system of government is almost necessary; and while in the higher and fewer offices it may detract from our chances of securing good men, in the meaner and much more numerous offices it certainly calls out talent and ability which would not otherwise be reached. The party enthusiasm which is engendered in the higher offices lends an interest and a charm to the lower offices. National politics introduced into township and county elections, says Bryce, "make it more difficult for good citizens outside the class of professional politicians to find their way into county (and township) administration." Here, we do not divide the inhabitants into "good citizens" and "professional politicians." We in Ontario are all of one party or the other; we do not look upon parties as a calamity or party men as swindlers. In no township that I know, would it be possible to get together a council of five competent men unless some of them were men of strong party feelings and convictions.

KEY TO MAP.

I, I, I, I.—Concession number I.

II, II, II, II.—Concession number II.

1, 2, 3, 4, etc.—Lots in their respective Concessions.

a, a, a, etc.—Town Lines.

b, b, b, etc.—Concession Roads.

c, c, c, etc.—Original trunk road laid out by Provincial Government.

d, d, d, etc.—River Thames.

e, e, e, etc.—Side Roads.

f, f, f, etc.—Lots in broken front.

A & B.—Irregular Blocks.

A, A, A.—	} Irregular Concessions.
B, B, B.—	
C, C, C.—	

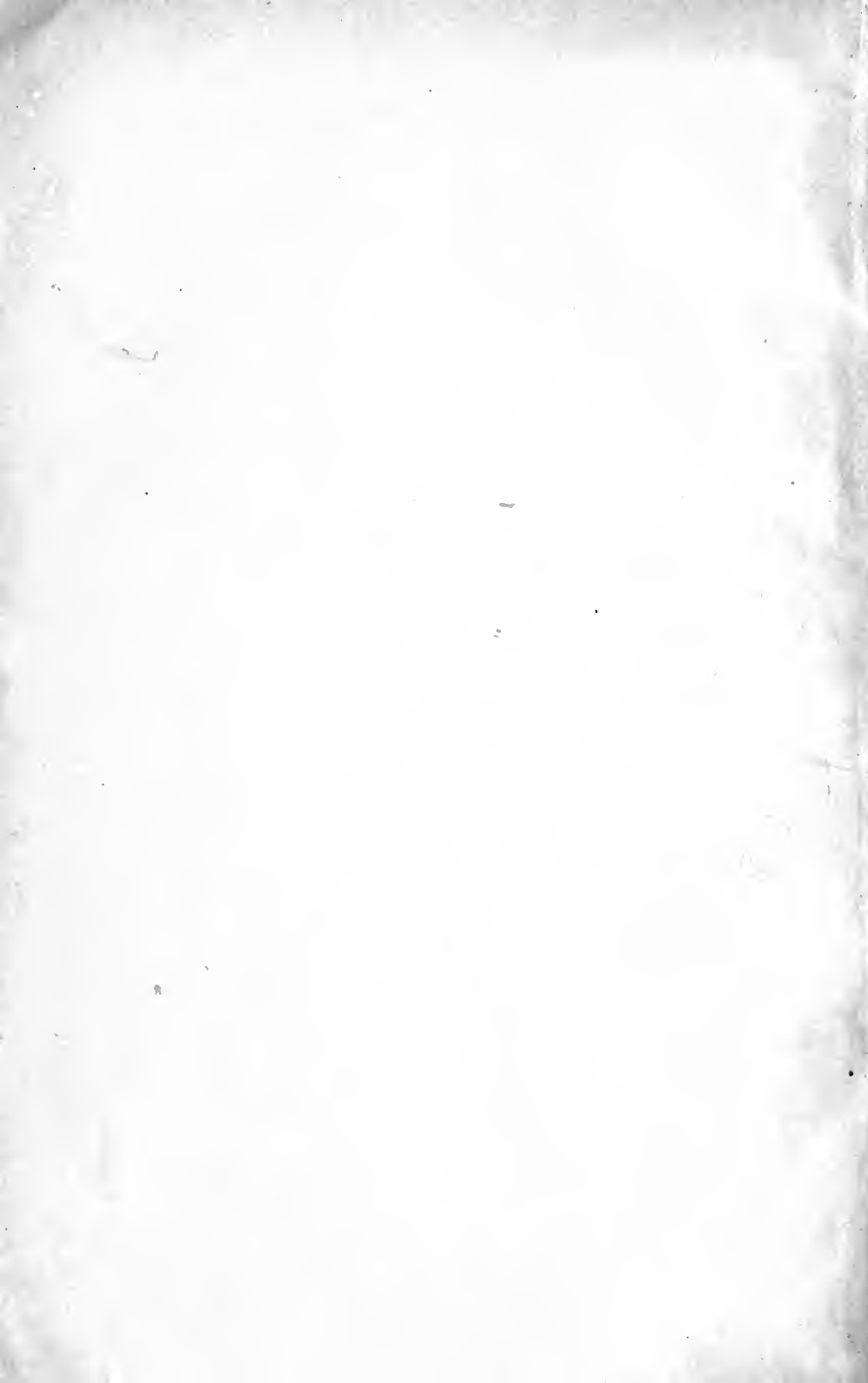
g, g, g.—Earliest Settlement, somewhat irregular.

+, +, +.—Unincorporated Villages.

†, †, †.—Public School Houses. In addition there is usually a public school-house and church in each unincorporated village.

‡, ‡.—Churches.

☒.—Unincorporated Village where Township Council sits.



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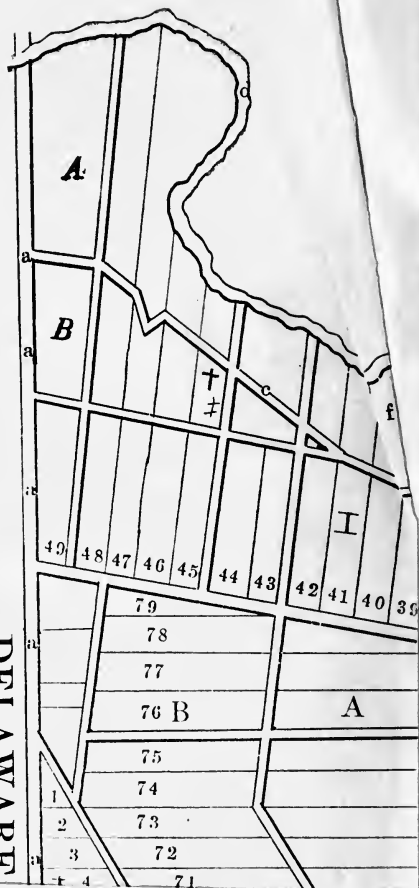
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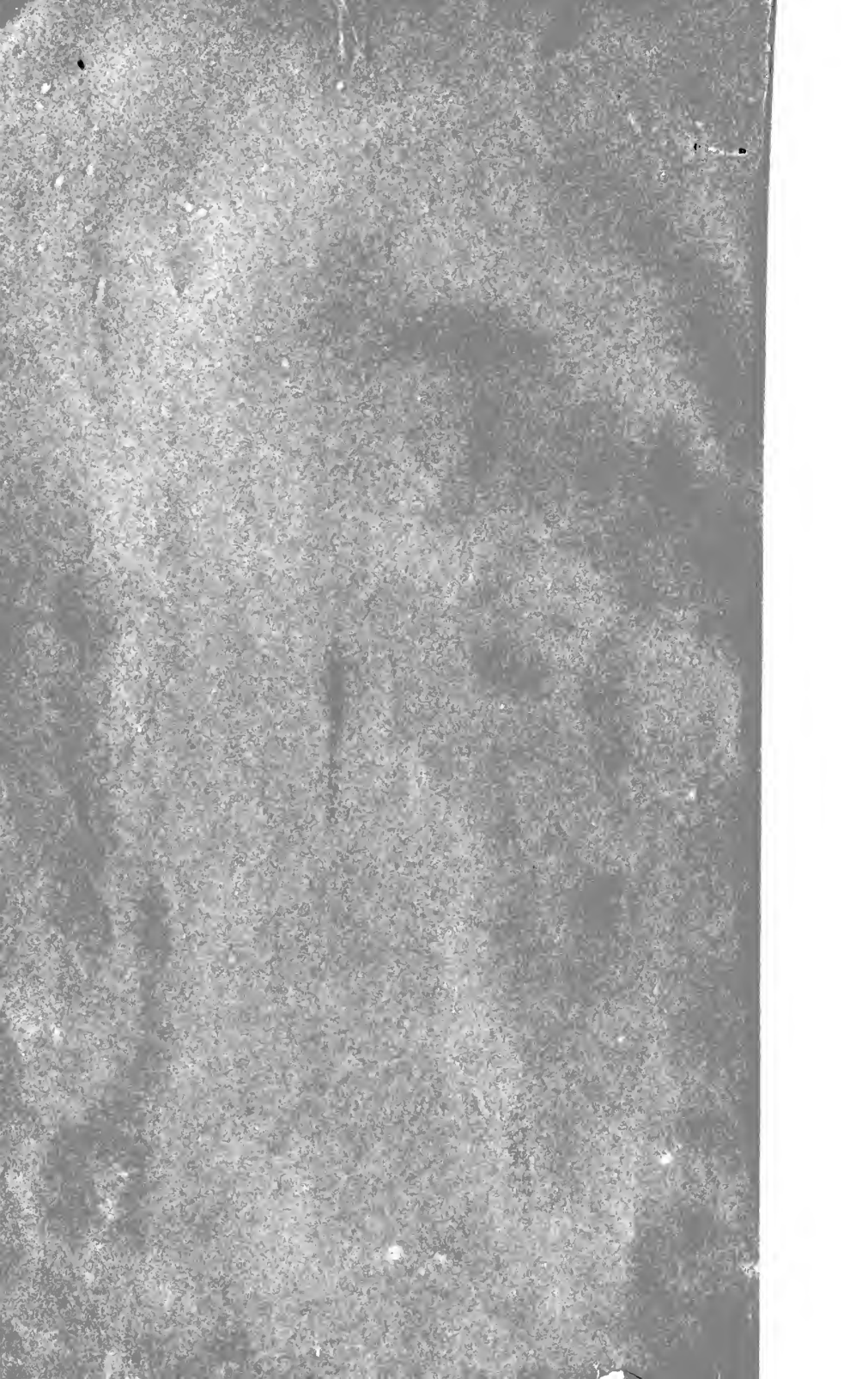
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